



Citation: *EB v Canada Employment Insurance Commission*, 2026 SST 172

**Social Security Tribunal of Canada  
Appeal Division**

**Leave to Appeal Decision**

**Applicant:** E. B.

**Respondent:** Canada Employment Insurance Commission

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**Decision under appeal:** General Division decision dated January 27, 2026  
(GE-26-192)

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**Tribunal member:** Solange Losier

**Decision date:** March 9, 2026

**File number:** AD-26-138

## Decision

[1] Leave (permission) to appeal is refused. E. B.'s appeal will not proceed.

## Overview

[2] E. B. is the Claimant. She stopped working on April 30, 2024. Several months later, she applied for Employment Insurance benefits on November 8, 2024.<sup>1</sup>

[3] On June 3, 2025, the Claimant asked the Commission to antedate her application to her last day of work.<sup>2</sup>

[4] On November 24, 2025, the Canada Employment Insurance Commission (Commission) refused to antedate her application to the earlier date because she hadn't shown she had good cause for the entire period of delay.<sup>3</sup>

[5] The General Division found that the Claimant's appeal was late and that she didn't have a reasonable explanation.<sup>4</sup>

[6] The Claimant is now asking for permission to appeal. She disagrees with the General Division's decision and it's unfair she can't get benefits.<sup>5</sup>

[7] I am denying permission to appeal because the Claimant's arguments don't show that she has an arguable case upon which the appeal might succeed. So, I can't give her permission to appeal.<sup>6</sup>

## Issue

[8] Is there an arguable case that the General Division made any reviewable errors?

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<sup>1</sup> See page GD3-12

<sup>2</sup> See pages GD3-15 to GD3-16.

<sup>3</sup> See pages GD3-18 and GD3-26 and section 10(4) of the *Employment Insurance Act* (EI Act).

<sup>4</sup> See pages AD1A-1 to AD1A-5.

<sup>5</sup> See pages AD1-1 to AD1-8.

<sup>6</sup> See section 58(2) of the *Department of Employment and Social Development Act* (DESD Act).

## Analysis

[9] I can consider four types of errors, and they include a failure to follow a fair process, jurisdictional, legal, and important factual errors.<sup>7</sup> I will refer to these as “reviewable errors.”

[10] I can only give the Claimant permission to appeal if there’s an “arguable case” that the General Division made a reviewable error that gives her appeal a reasonable chance of success.<sup>8</sup>

[11] The Claimant set out her reasons for appealing and I have considered them. I’ve also reviewed the General Division decision and the file documents before making my decision.

[12] The Claimant hasn’t pointed out what type of errors the General Division made, so I will broadly consider whether the General Division made any reviewable errors.

## I am not giving the Claimant permission to appeal

### The Claimant’s arguments to the Appeal Division

[13] The Claimant disagrees with the General Division decision. She says that she has worked the hours, paid taxes and deserves to get benefits. It is unfair that she can’t get benefits. She is a hard-working professional, and feels she is being penalized.<sup>9</sup>

### There is no arguable case that the General Division made any reviewable errors

[14] An appeal of a decision must be brought to the General Division 30 days after the day on which it is communicated to the person.<sup>10</sup>

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<sup>7</sup> See section 58(1) of the DESD Act.

<sup>8</sup> See *Osaj v Canada (Attorney General)*, 2016 FC 11 at paragraph 12 and sections 56(1) and 58(2) of the DESD Act.

<sup>9</sup> This is a summary of the Claimant’s arguments set out at page AD1-5.

<sup>10</sup> See section 52(1)(a) of the DESD Act.

[15] A person who files a notice of appeal after the deadline must explain why they are late. They must file the explanation with the Tribunal.<sup>11</sup> The Tribunal gives more time to appeal if the person has a reasonable explanation for why they are late.<sup>12</sup>

[16] The General Division found the Commission had communicated its reconsideration decision (i.e., the refusal to antedate her application) to the Claimant on November 24, 2025.<sup>13</sup> The communication date was undisputed as this was the date the Claimant wrote she got the reconsideration decision.<sup>14</sup>

[17] The General Division noted that the reconsideration decision and her appeal rights had been verbally communicated to her at an earlier date.<sup>15</sup>

[18] The General Division found that she had filed her appeal to the General Division on January 16, 2026.<sup>16</sup> It decided that her appeal was more than 30 days late.<sup>17</sup> It then considered whether she had a reasonable explanation for the late appeal.<sup>18</sup>

[19] The General Division concluded that the Claimant hadn't provided a reasonable explanation, so her appeal could not proceed.<sup>19</sup> It considered her reason for filing it late, namely that she forgot about the deadline because of a vacation and Christmas, so she didn't have a moment to sit down and work through it.<sup>20</sup> It determined that forgetting about a deadline didn't excuse a late appeal.<sup>21</sup>

[20] There is no arguable case that the General Division made any reviewable errors.<sup>22</sup> It only decided the issues it had to decide. It correctly stated the law in its

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<sup>11</sup> See section 27(1) of the *Social Security Tribunal Rules of Procedure* (SST Rules) and section 52(2) of the DESD Act.

<sup>12</sup> See section 17(2) of the SST Rules.

<sup>13</sup> See paragraph 11 of the General Division decision.

<sup>14</sup> See page GD2-8.

<sup>15</sup> See paragraph 19 of the General Division decision.

<sup>16</sup> See paragraph 11 of the General Division decision and section 19(2) of the SST Rules.

<sup>17</sup> See paragraphs 9–12 of the General Division decision.

<sup>18</sup> See section 27(2) of the SST Rules.

<sup>19</sup> See paragraphs 13, 16–18, 21 and 23 of the General Division decision.

<sup>20</sup> See paragraph 14 of the General Division decision and page GD2-12.

<sup>21</sup> See paragraph 17 of the General Division decision.

<sup>22</sup> See section 58(1) of the DESD Act.

decision.<sup>23</sup> Its key findings about the communication date of the Commission's reconsideration decision and late appeal were consistent with the evidence. It considered the Claimant's reasons for filing the appeal late and explained why it wasn't a reasonable explanation. I also see no indication that it didn't follow a fair process in some way.

[21] I acknowledge the Claimant's arguments that the General Division's decision was unfair, that she has worked the hours, paid taxes and deserved to get benefits. The Appeal Division has a limited mandate. I can't intervene in the General Division's decision based on a disagreement with the outcome and unfairness in general because that isn't a reviewable error. I also can't reweigh the evidence in order to reach a different outcome.<sup>24</sup>

[22] There are no other reasons for giving the Claimant permission to appeal. I'm satisfied that the General Division didn't misinterpret or fail to consider any relevant evidence.<sup>25</sup>

## Conclusion

[23] Permission to appeal is refused. This means that the appeal will not proceed. It has no reasonable chance of success.

Solange Losier  
Member, Appeal Division

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<sup>23</sup> See paragraphs 4 and 7–8 of the General Division decision.

<sup>24</sup> See *Garvey v Canada (Attorney General)*, 2018 FCA 118 at paragraph 11.

<sup>25</sup> See *Karadeolian v Canada (Attorney General)*, 2016 FC 165 at paragraph 10, which recommends doing such a review.