



Citation: *FM v Canada Employment Insurance Commission*, 2026 SST 207

Social Security Tribunal of Canada Appeal Division

Extension of Time Decision

Applicant: F. M.

Respondent: Canada Employment Insurance Commission

Decision under appeal: General Division decision dated October 1, 2025
(GE-25-2428)

Tribunal member: Glenn Betteridge

Decision date: March 17, 2026

File number: AD-26-175

Decision

[1] An extension of time to apply to the Appeal Division is refused. The application won't go forward.

Overview

[2] F. M. is the Claimant. She has applied for permission to appeal a General Division decision about her EI claim.

[3] I have found she applied late—past the 30 day deadline. I am not extending the time because she hasn't given a reasonable explanation for her delay.

[4] So, her appeal won't go forward.

Issues

[5] I have to decide two issues.

- Was the application to the Appeal Division (application) late, and if so, how late?
- Should I extend the time for the Claimant to file her application?

Analysis

The application was late, but I can extend the time

[6] The Tribunal's file shows me it communicated the General Division decision to the Claimant by email on October 2, 2026. The Tribunal's rules say I can assume she got it the next business day—October 3, 2026.¹

[7] The law gave her 30 days to file her application, by November 3, 2026.² She filed her application on March 14, 2026. I know this from the date stamp on the bottom of each page of her application.

¹ See section 22(3) of the *Social Security Tribunal Rules of Procedure* (SST Rules).

² See section 52(1)(a) of the *Department of Employment and Social Development Act* (DESD Act).

[8] So, her application was late. But because the Tribunal received it less than one year after she received the General Division decision, the law gives me the power to extend the time for her to file her application.³

I'm not extending the time because the Claimant hasn't given a reasonable explanation

[9] I can extend the time if the Claimant gives a reasonable explanation for her delay.⁴

[10] The Claimant explains she filed her application late for four reasons.⁵ But her reasons—individually or together—don't give a reasonable explanation for her delay.

[11] First, she argues her delay wasn't intentional. She says it was an honest mistake. The Claimant's intention or honesty is irrelevant to whether she has a reasonable explanation for the delay. So, this doesn't help explain her delay.

[12] Second, she says she was dealing with financial stress due to the high cost of living and owing a debt. She was overwhelmed with work and trying to put food on the table. I find this isn't a reasonable explanation for her delay. I take notice that the cost of living—and inflation—has been a fact of life in Canada for a number of years. The Claimant has known about her debt since April 2025. And she says she has been repaying it through partial payments.⁶ In other words, she has described an ongoing state of affairs. Not a reason why she could not file her application for five months after she received the General Division decision in October 2026.

[13] Third, she says she isn't familiar with legal procedures. It took her time to understand her rights and the steps required to file an appeal. And once she realized she could challenge the decision, she tried to act as quickly as possible. This isn't a reasonable explanation for the delay. The cover letter the Tribunal sent the Claimant with the General Division decision clearly states: "**If you disagree with this decision,**

³ See section 57(2) of the DESD Act.

⁴ See section 27(2) of the SST Rules.

⁵ See AD1-6.

⁶ See GD2-5.

you can appeal.” Then explains what she had to do appeal, including referring her to the application form. The Tribunal’s telephone call log shows she called on March 9, 2026 to ask for the form.

[14] Fourth, she says she was gathering the necessary information to file her application. This isn’t credible. She didn’t send any evidence or new information with her application. And aside from the procedural fairness argument, her reasons for appealing the General Division decision essentially repeat the arguments she made to the General Division.

[15] To summarize, the Claimant hasn’t given a reasonable explanation for filing her application over four months past the deadline.

[16] Although the Claimant did raise a procedural fairness argument in her application, it has no reasonable chance of success. As the General Division decision details, she effectively waived her right to raise this ground of appeal (paragraphs 7 to 9).⁷ She didn’t raise the procedural fairness issue at the earliest opportunity. In fact, the General Division raised it multiple times. And offered to adjourn the hearing to when the Claimant had a quiet, private space to participate. Yet each time she decided to go ahead with the hearing. And at the end, she assured the member she had been able to say everything she wanted to support her appeal.

[17] The rest of her reasons for appeal is an attempt to reargue her General Division appeal. They don’t show an arguable case the General Division made an error.

[18] I have no doubt the Claimant is financially strained now. But the General Division found she received EI benefits she wasn’t entitled to receive back in 2024. The law says she has to pay those benefits back along with the penalty for falsely reporting her income—unless the Commission is willing to write off all or part of her overpayment and debt. The Tribunal has no power to change the law—based on financial need or for another reason.

⁷ See *Bartlett v Canada (Attorney General)*, 2023 FC 1648.

Conclusion

[19] I'm not extending the time for the Claimant to file her application to the Appeal Division. So her application won't go forward.

Glenn Betteridge
Member, Appeal Division