



Citation: *SA v Canada Employment Insurance Commission*, 2026 SST 232

Social Security Tribunal of Canada Appeal Division

Extension of Time Decision

Applicant: S. A.

Respondent: Canada Employment Insurance Commission

Decision under appeal: General Division decision dated December 1, 2025
(GE-25-1945)

Tribunal member: Glenn Betteridge

Decision date: March 25, 2026

File number: AD-26-177

Decision

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

Overview

[2] S. A. is the Claimant. He has applied for permission to appeal a General Division decision about his EI claim.

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

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

Issues

[5] I will decide two issues.

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

Analysis

[6] The Claimant used the wrong form to apply to appeal the General Division decision. So I wrote to him giving him a second chance to complete and send the Appeal Division application form. Then an Appeal Division Navigator followed up with a call, and spoke to the Claimant about my letter.

[7] He sent the wrong form again. But on his second form he wrote his reasons for appeal, and explained why his application was late. In other words, he gave the

information the Appeal Division application form asks for. I made my decision based on the two forms and one email he sent.¹

The application was late, but I can extend the time

[8] The Tribunal's files show me it emailed the General Division decision to the Claimant on December 2, 2026. The Tribunal's rules say I can assume he got it the next business day—December 3, 2026.² He didn't say anything that makes me doubt this in his case.

[9] On the first appeal form he sent, he says he got the Reconsideration Decision—by which I think he means the General Division decision—on January 6, 2026.³ On the second form, he says he got it December 22, 2025.⁴

[10] I don't find either date credible. He has given contradictory dates. The General Division emailed him the decision on December 2, 2025. I don't doubt that because the Tribunal's records are reliable. There is nothing in the file to show the email bounced back. And he has used the same email address at the General and Appeal Divisions.

[11] The law gave him 30 days to file his application, by January 2, 2026.⁵ He filed his application on March 16, 2026. I know this from the date stamp on the bottom of each page of the application.

[12] So, his application was late. But because the Tribunal received it less than one year after he got the General Division decision, the law gives me the power to extend the time for him to file his application.⁶

¹ See AD1, AD1B, and AD1C.

² See section 22(3) of the *Social Security Tribunal Rules of Procedure* (SST Rules).

³ See AD1-8.

⁴ See AD1B-8.

⁵ See section 52(1)(a) of the *Department of Employment and Social Development Act* (DESD Act).

⁶ See section 57(2) of the DESD Act.

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

[13] I can extend the time if the Claimant gives a reasonable explanation for his delay.⁷

[14] The Claimant has given two explanations for his delay. I don't find his explanations are reasonable in the circumstances.

[15] First, the Claimant explains that he has different information that might be very important in the appeal process.⁸ He says he mistakenly filed the wrong income tax evidence at the General Division.

[16] This argument misunderstands the Appeal Division process. The Appeal Division process isn't a do-over. It's not his chance to reargue the General Division appeal from scratch, or to add new evidence. I can't give the Claimant permission to appeal based on new evidence. This isn't a ground of appeal. And the law doesn't let the Appeal Division consider new evidence, with rare exceptions. New evidence about an issue the General Division decided isn't an exception.

[17] Second, the Claimant explains he believed he had a chance to appeal any time.

[18] Yet the Tribunal told him twice about the deadline to appeal the General Division decision, and how to do that.

[19] Once in the cover letter it sent with the General Division decision, on December 2, 2025.

Attached is the decision on this appeal

The General Division of the Tribunal has decided your appeal.

If you disagree with the Tribunal's decision, you can appeal

⁷ See section 27(2) of the SST Rules.

⁸ See AD1-11.

Any party who disagrees with this decision can ask the Appeal Division of the Tribunal to review this General Division decision. This is called asking for “leave (permission) to appeal”. To start this process, complete an Application to the Appeal Division form. You can find this form on the Tribunal’s website at [Social Security Tribunal forms \(sst-tss.gc.ca\)](https://www.sst-tss.gc.ca).

You have **30 days from the day you receive this letter** to submit your form.

[20] A second time in a December 8, 2025 letter, which it sent him in response to the email he sent after he received the General Division decision.

This General Division decision can be appealed

Any party who disagrees with this decision can ask the Appeal Division of the Tribunal to review this General Division decision. This is called asking for ‘leave (permission) to appeal’. To start this process, complete an Application to the Appeal Division form. You can find this form on the Tribunal’s website at [Social Security Tribunal forms \(sst-tss.gc.ca\)](https://www.sst-tss.gc.ca).

You have **30 days from the day you received the General Division decision** to submit your form.

[21] Despite this information, he waited three months to apply to appeal the General Division Decision. So, his explanation about not knowing the law isn’t reasonable.

[22] I considered whether there was a language barrier that prevented the Claimant from knowing about his appeal rights. The Claimant didn’t ask for an interpreter for the General Division hearing. He gave his evidence and made arguments in English, including answering the member’s questions. And although not always perfectly, he has communicated with the Tribunal in written English. So, I find understanding English didn’t prevent the Claimant from knowing his appeal rights.

Conclusion

[23] I’m not extending the time for the Claimant to file his application to the Appeal Division. So his application won’t go forward.

Glenn Betteridge
Member, Appeal Division