



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *C. B. v. Canada Employment Insurance Commission*, 2016 SSTADEI 556

Tribunal File Number: AD-15-449 and AD-15-977

BETWEEN:

**C. B.**

Appellant

and

**Canada Employment Insurance Commission**

Respondent

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**SOCIAL SECURITY TRIBUNAL DECISION**  
**Appeal Division**

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DECISION BY: Mark Borer

HEARD ON: November 16, 2016

DATE OF DECISION: November 23, 2016

## **DECISION**

[1] By agreement, the appeals are allowed in part. The Appellant's initial benefits application is deemed to have been filed on December 23, 2012, and the postdating of the Appellant's benefit period is reversed back to December 25, 2011.

## **INTRODUCTION**

[2] Previously, a General Division member determined in separate decisions that the Appellant's appeal against an antedate decision should be dismissed, while his appeal against the start date of his benefit period should be allowed. The Appellant appealed both of these decisions to the Appeal Division.

[3] The two appeals were heard together by teleconference. Both the Appellant and the Commission attended and made submissions.

## **ANALYSIS**

[4] At the hearing before me, the Commission repeated their written submissions that they wished to resolve the appeal in the Appellant's favour on all issues. They therefore proposed that the Appellant's appeals be resolved by the Appeal Division finding that the Appellant's antedate request should be granted. They noted that the benefit period issue had already been decided in the Appellant's favour.

[5] After due consideration, the Appellant accepted this proposed agreement.

[6] To ensure that there was no misunderstanding, during the hearing I verified that the Commission and the Appellant were truly in agreement as to the proposed resolution of these two appeals.

[7] I therefore find that, in accordance with the agreement between the parties, the Appellant's initial benefit application is deemed to have been filed on December 23, 2012, and that the postdating of the Appellant's benefit period is reversed back to December 25, 2011.

[8] To be clear, this agreement means that the Appellant has received everything that he requested when he launched his appeals to the General Division. He has been completely successful.

[9] Subsequent to the hearing, the Appellant contacted the Tribunal in writing and asked that he receive interest on moneys allegedly withheld by the Commission which would be returned following this decision.

[10] As I repeatedly attempted to make clear during the hearing, my jurisdiction is limited to those issues which are before the Tribunal. An issue is only before the Tribunal if an Appellant has first requested reconsideration of that issue from the Commission, and then appealed the result to the General Division.

[11] If the Appellant is dissatisfied with any future action taken by the Commission, or feels that somehow the Commission has erred in the manner in which it eventually carries out this agreement, he is entitled to request reconsideration and if still dissatisfied to appeal once again to the General Division.

[12] As we have not yet reached that stage, I make no findings regarding the post-hearing submissions and note that they did not factor into my acceptance of the agreement between the parties in any way.

## **CONCLUSION**

[13] By agreement, the appeal is allowed. The Appellant's initial benefits application is deemed to have been filed on December 23, 2012, and the postdating of the Appellant's benefit period is reversed back to December 25, 2011.

*Mark Borer*

Member, Appeal Division