



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

[TRANSLATION]

Citation: *D. T. v Canada Employment Insurance Commission*, 2019 SST 455

Tribunal File Number: GE-19-1087

BETWEEN:

**D. T.**

Appellant

and

**Canada Employment Insurance Commission**

Respondent

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**SOCIAL SECURITY TRIBUNAL DECISION**  
**General Division – Employment Insurance Section**

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DECISION BY: Josée Langlois

HEARD ON: March 13, 2019

DATE OF DECISION: March 20, 2019

## **DECISION**

[1] The appeal is dismissed. The Tribunal finds that the Appellant is not entitled to receive the additional weeks of benefits provided by Pilot Project No. 21 for seasonal workers.

## **OVERVIEW**

[2] The Appellant has seasonal employment with X. She stopped working on September 8, 2018, but because she already had an established benefit period in progress, she filed a new claim only on October 16, 2018. The Appellant asked to take advantage of the five-week increase in benefits permitted for seasonal workers who meet certain criteria. On February 14, 2019, the Commission denied the Appellant's application because it found that she was not eligible for Pilot Project No. 21, which allowed a five-week increase in benefits because, during the last 260 weeks, she did not file at least two of her claims around the same time of year, as stated in the *Employment Insurance Regulations* (Regulations). The Tribunal must determine whether the Appellant is eligible for Pilot Project No. 21.

## **ISSUE**

[3] Is the Appellant eligible for an increase in weeks of benefits for seasonal workers?

## **ANALYSIS**

### **Is the Appellant eligible for an increase in weeks of benefits for seasonal workers?**

[4] The maximum number of weeks for which Employment Insurance benefits may be paid in a benefit period varies based on the number of insurable hours accumulated in the qualifying period and based on the regional rate of unemployment in the claimant's region (section 12(2) of the *Employment Insurance Act* (Act)).

[5] Pilot Project No. 21 was put in place to allow seasonal workers to increase the number of weeks of benefits and obtain five additional weeks. To be eligible, claimants must prove that they satisfy four criteria (section 77.992(2) of the *Employment Insurance Regulations* (Regulations)):

- the date on which a benefit period is established falls within the period beginning on August 5, 2018, and ending on May 30, 2020;
- at the time that the benefit period is established, the claimant is ordinarily resident in a region described in Schedule I that is set out in Schedule II.92;
- in the 260 weeks before the beginning of the benefit period referred to in paragraph (a), at least three benefit periods had been established during which regular benefits were paid or payable; and
- at least two of the benefit periods referred to in paragraph (c) had begun around the same time of year, that is within eight weeks.

[6] The Commission states that the Appellant satisfies the first three conditions of Pilot Project No. 21 because the start date of her claim is October 7, 2018; she lives in economic region 19 (Lower Saint Lawrence and North Shore); and she received benefits after three claims filed in the last five years. However, the Commission submits that the Appellant does not satisfy the last condition for receiving a five-week increase in benefits as permitted by Pilot Project No. 21 because none of her claims in the last five years begin within the interval between August 12 and December 8, that is within eight weeks before or after the week of October 7, 2018, as the fourth criterion requires (section 77.992(2) of the Regulations).

[7] The Appellant submits that the pilot project's requirements are unfair. She argued at the hearing that she stopped working around the same date each year but filed a new claim on a different date in 2018 because a previous established benefit period was still valid. The Appellant explained that, for 2017 for example, she stopped working on September 30, 2017, but she filed a new claim only on December 30, 2017.

[8] As the Commission argued, the Appellant satisfies the first three conditions established by the Regulations. First, the Appellant's benefit period was established as of October 7, 2018. When the benefit period was established, the Appellant was living in the North Shore region, and the Commission's file shows that, during the 260 weeks preceding the start date of the benefit period, at least three benefit periods were established, and regular benefits were paid to the Appellant.

[9] However, as the Commission specified, the Appellant filed her claim on October 7, 2018, while her previous claims were established on the following dates: April 6, 2014; February 8, 2015; January 3, 2016; January 1, 2017; and December 31, 2017. None of those claims were filed around the same time of year, meaning within eight weeks of the date on which she filed her claim, October 7, 2018 (section 77.992(2) of the Regulations).

[10] For that reason, the Appellant does not satisfy the last criterion of the Regulations because she did not have at least two claims filed around the same time in the last five years, that is between August 12 and December 8. As a result, the Appellant is not eligible for an increase in her weeks of benefits.

[11] Although the Tribunal understands the Appellant's disappointment at not being able to obtain an increase in her weeks of benefits through this pilot project, the Appellant does not satisfy the four eligibility criteria stipulated in the Regulations.

[12] Since the Appellant is not eligible for Pilot Project No. 21, the number of weeks of entitlement is determined according to section 12(2) of the Act.

[13] The Tribunal finds that the Appellant is not entitled to an increase in the weeks of benefits for seasonal workers provided by Pilot Project No. 21.

**CONCLUSION**

[14] The appeal is dismissed.

Josée Langlois  
Member, General Division – Employment Insurance Section

HEARD ON:	March 13, 2019
METHOD OF PROCEEDING:	Teleconference
APPEARANCES:	D. T., Appellant X, Attendant