



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *R. P. v Canada Employment Insurance Commission*, 2019 SST 862

Tribunal File Number: GE-19-892

BETWEEN:

**R. P.**

Appellant

and

**Canada Employment Insurance Commission**

Respondent

---

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

---

DECISION BY: Angela Ryan Bourgeois

HEARD ON: March 5, 2019, and March 14, 2019

DATE OF DECISION: March 20, 2019

## DECISION

[1] R. P.'s appeal is dismissed because her benefit period is already at the maximum number of weeks allowed by law, and I cannot extend it any further.

## OVERVIEW

[2] The Claimant, R. P., had worked for the same employer for many years when she lost her job. She applied for employment insurance benefits under the *Employment Insurance Act* (Act). The Canada Employment Insurance Commission (Commission) determined that she qualified to receive 62 weeks of benefits.

[3] A claimant can only be paid benefits during a specific period called a **benefit period**. Benefits cannot be paid to a claimant after the benefit period ends.<sup>1</sup>

[4] The Commission determined that the Claimant's benefit period was 104 weeks long, starting on December 18, 2016, and ending on December 15, 2018. Because she was entitled to 62 weeks of benefits, this means that she could have received up to 62 weeks of benefits during this period of 104 weeks.

[5] The Claimant only received 18 weeks of benefits. She was not entitled to receive benefits during the other weeks of her benefit period for various reasons, which she is not appealing.

[6] The Claimant asked the Commission to extend her benefit period to June 2019, so that she could receive the balance of her 62 weeks of benefits.

[7] The Commission refused to extend her benefit period beyond 104 weeks. The Claimant appealed to the Tribunal to have her benefit period extended.

[8] I agree with the Commission that the Claimant's benefit period cannot be longer than 104 weeks.

---

<sup>1</sup> This rule is set out in s 9 of the Act.

**PRELIMINARY MATTERS: No jurisdiction to decide the start date of the benefit period.**

[9] I do not have jurisdiction to determine when the Claimant's benefit period starts because the Commission has not issued a reconsideration decision on this issue.

[10] In her notice of appeal, the Claimant argued that her benefit period should have started in June 2018, not in December 2016, as determined by the Commission.

[11] In supplementary representations, the Commission confirmed that it had not reconsidered the start date of the Claimant's benefit period, and had not issued a reconsideration decision on this issue.

[12] I only have jurisdiction to hear appeals of reconsideration decisions made by the Commission.<sup>2</sup> Since the Commission did not make a reconsideration decision on the start date of the Claimant's benefit period, I do not have jurisdiction to consider the start date.

[13] According to the Commission's supplementary representations, it applied a policy to start the Claimant's benefit period on the Sunday of the week when she stopped working rather than on the Sunday of the week when she applied for benefits. Although this is not an issue before me, the Claimant and the Commission may want to explore whether it would be to the Claimant's advantage for her benefit period to start on the Sunday of the week that she applied for benefits, which was in January 2017, rather than in December 2016. However, since a change to her benefit period will also change other aspects of her claim, I recommend that the Claimant fully understand the implications of any change before asking the Commission to actually make a change.

**ISSUE**

[14] Can the Claimant's benefit period be extended to June 2019, which is more than 104 weeks from the start of her benefit period?

---

<sup>2</sup> According to s 113 of the Act, I can only hear appeals of decisions made by the Commission under s 112 of the Act. Decisions made under s 112 of the Act are commonly referred to as "reconsideration decisions" because they are made after a claimant asks the Commission to reconsider its first decision.

## ANALYSIS

[15] When a claimant qualifies for employment insurance benefits, a benefit period is established. Benefits can only be paid to a claimant during their benefit period.<sup>3</sup>

[16] Unless extended, a benefit period is 52 weeks, and the maximum number of weeks in a benefit period, including any extensions, is 104 weeks.<sup>4</sup>

[17] The Commission determined the Claimant's benefit period was 104 weeks long, from December 18, 2016, to December 15, 2018.

### **Can the Claimant's benefit period be extended to June 2019?**

[18] No. The Claimant's benefit period cannot be extended to June 2019, because it is already at the maximum length allowed of 104 weeks.

[19] The Claimant argues that her benefit period should be extended to June 30, 2019. She relies on a computer screen shot entitled "Benefit Period Extensions," which is found at page GD3-15. The screen shot shows that the Claimant's benefit period started on December 18, 2016, and ends on June 30, 2019.

[20] Despite what the screen shot shows, the Act does not allow her benefit period to be longer than 104 weeks. Since her benefit period started on December 18, 2016, by law, it **must** end no more than 104 weeks later, which is December 15, 2018. Her benefit period cannot be extended beyond this date.

[21] The Claimant believes that she should be able to receive the full 62 weeks of benefits that she is allowed to receive. She argues that she has not applied for benefits before, and is still unemployed and looking for work. She questions why she was told to apply for benefits within 30 days of losing her job. She thinks that no one is listening to her arguments, and wants her file updated so that she can receive benefits until June 2019, as indicated on the screen shot. She stated that despite calls to the Commission, no one returned her calls, and when she did speak to

---

<sup>3</sup> This rule is set out in s 9 of the Act.

<sup>4</sup> This rule is set out in ss 10(2) and 10(14) of the Act.

agents, she got conflicting answers. She testified that one agent told her that she would receive benefits until June 2019. She testified that when she went to a Service Canada Centre with questions about the start date of her benefit period, they sent her away, and told her to call the call centre.

[22] I understand the Claimant's frustration. Unfortunately, as sympathetic as I am to her situation, these circumstances do not change the fact that I cannot extend her benefit period because it is already 104 weeks long, which is the maximum length a benefit period can be by law. As such, I cannot allow her appeal.

### **CONCLUSION**

[23] The appeal is dismissed.

Angela Ryan Bourgeois

Member, General Division - Employment Insurance Section

HEARD ON:	March 5, 2019, and March 14, 2019
METHOD OF PROCEEDING:	Teleconference
APPEARANCES:	R. P., Appellant