



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *A. W. v Canada Employment Insurance Commission*, 2019 SST 842

Tribunal File Number: GE-19-1745

BETWEEN:

A. W.

Appellant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Employment Insurance Section

DECISION BY: Yoan Marier

HEARD ON: June 7, 2019

DATE OF DECISION: June 14, 2019

DECISION

[1] The Appellant lives in the Southern Alberta region for Employment Insurance (EI) purposes and cannot receive more than 22 weeks of benefits. The appeal is dismissed. These reasons explain why.

OVERVIEW

[2] The Appellant, A. W., applied for EI benefits. Upon reviewing the claim, the Canada Employment Insurance Commission (Commission) determined that the Appellant lived in the Southern Alberta region and was entitled to 22 weeks of benefits. This number was based on the unemployment rate in the Appellant's region of residence and on the number of hours of insurable employment the Appellant had accumulated.

[3] The Appellant now disputes the Commission's decision before the Tribunal. She submits that she does not live in the Southern Alberta region, but in the city of X where the unemployment rate is higher. Consequently, she argues that she is entitled to receive additional weeks of benefits because of that higher unemployment rate.

ISSUES

[4] For EI purposes, does the Appellant live in the Southern Alberta region?

[5] Is the Appellant entitled to receive more than 22 weeks of benefits?

ANALYSIS

[6] The maximum number of weeks of benefits that can be paid to a claimant is established by consulting a table at the end of the *Employment Insurance Act*. To find out how many weeks of benefits a claimant can receive, two numbers must be inputted into that table: the number of hours of insurable employment accumulated by that claimant and the applicable regional rate of unemployment.¹

¹ Section 12(2) and Schedule 1 of the *Employment Insurance Act*.

[7] The information on file shows that the Appellant accumulated 1136 hours of insurable employment during her qualifying period. The Appellant does not dispute this.

[8] However, the Appellant disputes the Commission's finding that she lives in the Southern Alberta region, where the regional unemployment rate is 6.6%. She submits that she lives in the city of X, where the unemployment rate is higher. She argues that the different unemployment rate could allow her to obtain additional weeks of benefits.

For EI purposes, does the Appellant live in the Southern Alberta region?

[9] Yes, I find that the Appellant lives in the Southern Alberta region for the following reasons.

[10] The *Employment Insurance Act* (Act) and the *Employment Insurance Regulations* (Regulations) establish the different EI regions used for determining regional unemployment rates. The Commission is responsible for setting the boundaries of these regions, which have to be reviewed every five years.² The Commission is also responsible for establishing whether a specific address falls within one region or another, based on these established boundaries.

[11] When the Appellant filed her request for reconsideration, the Commission looked at the Appellant's address and geocoded that address against the EI regions map. It was then determined that, for EI purposes, the Appellant lived in the Southern Alberta region.³

[12] I acknowledge that, for all intents and purposes, the Appellant resides in the city of X—her driver's licence and electric bill both show X as the city of residence. However, the regions established for EI purposes are not necessarily the same as the regions established by municipal or provincial authorities.

[13] The Appellant submits that the Commission failed to review EI region boundaries every five years, as required by the Regulations.⁴ She also suggests that the Commission used older statistical data to make its findings.

² Section 18 and Schedule 1 of the Regulations.

³ GD3-21 and 23.

⁴ Section 18(2) of the Regulations.

[14] In response to my request for additional submissions, the Commission explained that the last review of EI region boundaries was completed in the fall of 2018, and provided evidence that a new review began recently. The Commission also explained that the statistical data that was used to determine EI region boundaries in Alberta was only a few years old and that newer statistical data did not necessarily lead to changes to EI region boundaries.⁵

[15] In my view, it appears that the Commission is complying with its regulatory obligation to review EI region boundaries: a review was completed in 2018, and a new one is underway. Furthermore, the Commission seems to be using fairly recent statistical data. And even if that were not the case, this would not necessarily mean that region boundaries are incorrect or that the Commission was mistaken when it determined that the Appellant lives in the Southern Alberta region.

[16] It is true that the Commission rendered a different decision only a few months earlier for the same address (for a claim filed by the Appellant's husband). However, the Commission also confirmed that the earlier decision was mistaken⁶ and provided evidence that the Appellant's address fell within the Southern Alberta region and not the X region.

[17] In order to make a decision, I have to rely on the Act and Regulations. I am not bound by the Commission's findings on another claim or by the errors that it may have made when examining that previous claim. Furthermore, I do not have the authority to change the EI region boundaries that the Commission has established.

[18] I understand that the current situation may be frustrating for the Appellant and her husband. Unfortunately, there is no evidence that the Commission made a mistake when it determined that, for EI purposes, the Appellant lives in the Southern Alberta region.

Is the Appellant entitled to receive more than 22 weeks of benefits?

[19] No. The regional unemployment rate in the Southern Alberta region was 6.6% at the time of the claim.⁷ Based on that unemployment rate and on the number of hours of insurable

⁵ GD9.

⁶ GD3-21, GD4-3.

⁷ GD3-18.

employment⁸ the Appellant accumulated in her qualifying period, I find that the Appellant is entitled to a maximum of 22 weeks of benefits.⁹

CONCLUSION

[20] The appeal is dismissed.

Yoan Marier

Member, General Division – Employment Insurance Section

HEARD ON:	June 7, 2019
METHOD OF PROCEEDING:	Teleconference
APPEARANCES:	A. W., Appellant D. W., Witness

⁸ 1136 hours, GD3-17.

⁹ As per Schedule 1 of the Act.