



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *C. K. v Canada Employment Insurance Commission*, 2020 SST 193

Tribunal File Number: GE-20-302

BETWEEN:

C. K.

Appellant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Employment Insurance Section

DECISION BY: Angela Ryan Bourgeois

HEARD ON: February 10, 2020

DATE OF DECISION: February 10, 2020

DECISION

[1] The appeal is dismissed. The Claimant is entitled to a maximum of 22 weeks of regular employment insurance benefits, as determined by the Canada Employment Insurance Commission (Commission).

OVERVIEW

[2] The Commission determined the Claimant could receive a maximum of 22 weeks of regular employment insurance benefits (benefits) under the *Employment Insurance Act* (Act).

[3] The Claimant believes he should be entitled to more than 22 weeks of benefits. He says the Commission should extend his benefits until lobster fishing starts on the Magdalen Islands in April.

[4] I have to determine the maximum number of weeks of benefits the Claimant is entitled to receive.

THE CLAIMANT DID NOT ATTEND THE HEARING

[5] I proceeded with the hearing even though the Claimant didn't attend. A hearing can go ahead without the Claimant if the Claimant received notice of the hearing.¹ I find the Claimant received notice of the hearing because the file shows that Purolator delivered the notice of hearing to the Claimant's address on January 29, 2020. Further, a conversation log shows that someone from the Tribunal spoke to the Claimant about the hearing on February 7, 2020.

ISSUE

[6] What is the maximum number of weeks of benefits the Claimant can receive?

¹ S 12 of the *Social Security Tribunal Regulations*.

ANALYSIS

[7] The maximum number of weeks of benefits a claimant can receive is set out in Schedule 1 to the Act. The number is based on the unemployment rate where the claimant resides, and the number of hours of insurable employment in the claimant's qualifying period.²

What is the maximum number of weeks of benefits the Claimant can receive?

[8] The Claimant is entitled to receive a maximum of 22 weeks of benefits.

[9] Having reviewed the file, I agree with the Commission that the Claimant lives in the economic region of Western Nova Scotia, where at the relevant time the regional rate of unemployment was 6.8%. The Claimant did not dispute these facts.

[10] I agree with the Commission that the Claimant's qualifying period is from July 22, 2018, to July 20, 2019. The Claimant did not dispute this.

[11] One of the Claimant's records of employment shows that during the qualifying period he stopped working because of illness or injury. Since the Claimant didn't attend the hearing, I couldn't ask him about this. Therefore, I find he hasn't proven that his qualifying period should be extended because he was incapable of working because of illness or injury.

[12] Based on the only records of employment before me, I agree with the Commission that the Claimant has 1136 hours of insurable employment during his qualifying period. The Claimant didn't dispute this.

[13] According to Schedule 1 of the Act, when a claimant has between 1120 and 1154 hours of insurable employment and lives in a region with an unemployment rate of more than 6% but less than 7%, the claimant is entitled to a maximum of 22 weeks of benefits.

[14] Since the Claimant has 1136 hours of insurable employment and lives where the regional rate of unemployment was 6.8%, he is entitled to a maximum of 22 weeks of benefits.

² S 12(2) and Schedule 1 of the Act.

[15] The Claimant says he should be entitled to benefits until lobster fishing starts again in April, as the other fishers do. He points out that although he lives in Nova Scotia where there are two lobster fishing seasons, he works in the Magdalen Islands, where there is only one lobster fishing season. He says there are no jobs for him where he lives in Nova Scotia. Without benefits, he has no money to pay his bills.

[16] I understand the Claimant's frustration with the maximum number of weeks of benefits he can receive. It can seem unfair if others doing the same work are entitled to more weeks of benefits. However, the maximum number of weeks isn't based on financial need, the type of work or the number of lobster fishing seasons. Despite the Claimant's arguments, I have to apply Schedule 1, and can only consider the facts necessary to apply the schedule.

[17] Applying the relevant facts to Schedule 1, the Claimant is entitled to a maximum of 22 weeks of benefits.

CONCLUSION

[18] I am dismissing the Claimant's appeal. The Claimant is entitled to a maximum of 22 weeks of benefits, as determined by the Commission.

Angela Ryan Bourgeois

Member, General Division - Employment Insurance Section

HEARD ON:	February 10, 2020
METHOD OF PROCEEDING:	Teleconference
APPEARANCES:	Neither party attended the hearing.