



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *N. K. v Canada Employment Insurance Commission*, 2020 SST 171

Tribunal File Number: AD-19-889
AD-19-890
AD-19-891

BETWEEN:

N. K.

Applicant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION

Appeal Division

Leave to Appeal and Appeal Decision by: Jude Samson

Date of Decision: March 2, 2020

DECISION AND REASONS

[1] N. K. is the Claimant in these cases. On July 1, 2017, he applied for Employment Insurance (EI) regular benefits. The Canada Employment Insurance Commission approved the Claimant's application and established a benefit period, starting June 18, 2017. The Commission chose this date based on the Claimant's last day of work, as noted on his Record of Employment (ROE).

[2] The Claimant challenged the information on his ROE. He said that he continued working for his employer beyond June 2017, and that his ROE did not include all his insurable hours of employment. The Canada Revenue Agency (CRA) issued two decisions ruling on these issues.

[3] In April 2018, the Claimant filed a second claim for EI regular benefits, and he later asked for EI sickness benefits too.

[4] As new information came to light, including the rulings from the CRA, the Commission issued new decisions in the Claimant's file. In turn, the Claimant appealed many of those decisions to the Tribunal's General Division. He also brought an application to rescind or amend the first General Division decision.

[5] The Claimant appealed all of the General Division decisions to the Tribunal's Appeal Division. In all, the Appeal Division opened five files.

[6] In an attempt to resolve some or all of the relevant issues, I invited the parties to a settlement conference, which was held on February 28, 2020. During the settlement conference, the parties reached an agreement to resolve files AD-19-889, AD-19-890, and AD-19-891. These appeals all concern the General Division decision dated October 30, 2019.

[7] Generally speaking, the parties agreed as follows:

- a) Based on the CRA's ruling dated October 22, 2018, the Claimant's interruption of earnings was on July 15, 2017;
- b) By concluding that the interruption of earnings occurred in June 2017, the General Division made an error of fact or law, as described under section 58(1) of the *Department of Employment and Social Development Act*;
- c) As a result, leave to appeal should be granted and the appeals should be allowed;
- d) The best remedy in this case is to give the decision that the General Division should have given;
- e) Based on the new interruption of earnings date, and the application of the Commission's discretion, the Claimant's benefit period now starts on July 23, 2017;
- f) As a result, the Claimant is eligible for EI sickness benefits during the week of July 15, 2018.

[8] Based on the information available to me, I am satisfied that the appeals should be allowed in the way that the parties agreed at the February 28, 2020, settlement conference.

[9] The Claimant's appeals in the remaining two files (AD-19-644 and AD-19-883) will be reassigned to a different Tribunal Member and proceed as usual.

Jude Samson
Member, Appeal Division

REPRESENTATIVES:	N. K., self-represented Isabelle Thiffault, for the Respondent
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