



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *MF v Canada Employment Insurance Commission*, 2020 SST 942

Tribunal File Number: GE-20-1949

BETWEEN:

M. F.

Appellant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Employment Insurance Section

DECISION BY: Teresa Jaenen

HEARD ON: October 9, 2020

DATE OF DECISION: October 9, 2020

DECISION

[1] I am dismissing the appeal. This means that the Claimant is not entitled to additional weeks of unemployment benefits.

OVERVIEW

[2] M. F. is the Claimant. He established a claim for employment insurance (EI) benefits. The Canada Employment Insurance Commission (Commission) determined that the Claimant was entitled to receive 33 weeks of EI benefits, which the Claimant received. However, the Claimant felt he should be entitled to receive additional benefits because of the pandemic and he is unable to find work. The Claimant also requested that the Commission provide him with a grant to start a small business. The Commission denied the Claimant's request for reconsideration and he appealed to the *Social Security Tribunal* (Tribunal).

ISSUE

[3] What is the number of weeks the Claimant is entitled to, during his benefit period and should he be entitled to more weeks?

ANALYSIS

[4] The determination of weeks of entitlement¹ relates to how many hours of insurable employment the Claimant accumulated in a qualifying period, and the regional rate of unemployment.²

[5] The Claimant says that he should be entitled to more weeks because of the pandemic and unable to find work.

[6] The Claimant confirmed to me that he was living in Toronto and he did not work anywhere else or have any more hours than what was on his record of employment at the time he applied for EI benefits.

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

² Schedule 1 in section 12(2) of the *Employment Insurance Act*

[7] The Claimant accumulated 1728 insurable hours during his qualifying period. This falls within the range of “1715–1749 hours” and within the range of “6% and under” of the Regional Rate of Unemployment.³ The combination of these two shows that the maximum number of weeks in which the Claimant may receive EI benefits is 33 weeks.

[8] I accept the Commission’s submissions that the Claimant resided in the Toronto region where the employment rate is 5.7%. The Claimant’s benefit period was established effective January 5, 2020, and he had accumulated 1728 hours of insurable hours during his qualifying period from January 6, 2019, to January 4, 2020. He was entitled to 33 weeks of EI.

[9] I sympathies with the Claimant’s situation and that he was still unemployed after he reached his maximum weeks of entitlement but I must consider the facts and apply the legislation. The facts support the Claimant is entitled to 33 weeks of employment insurance benefits. The determination of insured hours and entitlement weeks is not a discretionary decision and neither the Commission nor I have the jurisdiction to ignore or amend the requirements regardless of a claimant’s personal circumstances.⁴

[10] At the hearing, the Claimant says at the time he submitted his appeal to the Tribunal he did not know if he would be eligible for the Canada Emergency Response Benefit (CERB). He confirmed that he applied for CERB and when his 33 weeks of entitlement ended, he started to receive CERB. He says that when he received CERB he thought perhaps, his appeal was no longer necessary. But he still cannot find work so he decided to keep the hearing date. He now wants to know if he would be eligible to receive the new EI benefit recently announced.

[11] The Claimant says he also wants a grant from the government so he can start a small business.

³ Table, Schedule 1

⁴ *Canada (AG) v. Kne*, 2011 FCA 301 explains the principal whereby adjudicators are permitted neither to re-write legislation nor to interpret it in a manner that is contrary to its plain meaning.

[12] Unfortunately, I only have the jurisdiction to render a decision on the issue under appeal. I can only recommend that the Claimant contact Service Canada regarding his eligibility for the newly announced EI programs. As well, I have no authority to grant the Claimant's request for a government grant to assist him with starting a business. I can only suggest that he research whether any programs exist in starting a business, through federal or provincial agencies.

CONCLUSION

[13] I find that the Claimant is not entitled to receive additional weeks of EI benefits.

[14] The appeal is dismissed.

Teresa Jaenen
Member, General Division - Employment Insurance Section

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| HEARD ON: | October 9, 2020 |
| METHOD OF PROCEEDING: | Teleconference |
| APPEARANCES: | M. F., Appellant |