



Citation: *BP v Canada Employment Insurance Commission*, 2021 SST 491

**Social Security Tribunal of Canada
General Division – Employment Insurance Section**

Decision

Appellant: B. P.
Representative: B. A.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission reconsideration decision (423673) dated May 26, 2021 (issued by Service Canada)

Tribunal member: Solange Losier

Type of hearing: Videoconference

Hearing date: August 5, 2021

Hearing participants: Appellant
Appellant's representative

Decision date: August 11, 2021

File number: GE-21-1143

Decision

[1] The appeal is dismissed. The Canada Employment Insurance Commission (Commission) properly applied the one-time credit of 300 hours.

Overview

[2] The Claimant applied for Employment Insurance Emergency Response Benefit (EI ERB) and received benefits until it automatically converted to Employment Insurance (EI) regular benefits in October 2020.

[3] A few months later, the Claimant started a new job and submitted a renewal application for EI sickness benefits. She received a few weeks of EI sickness benefits until it was converted to EI maternity benefits. She expected to be off for around one year, but she found out that her benefit period was scheduled to end in October 2021.

[4] The Commission says that they used a one-time credit of 300 hours to establish her EI regular benefit claim because it was her first initial claim after September 27, 2020. The Claimant does not agree with the Commission's decision to apply the one-time credit of 300 hours on her EI regular benefit claim because she needs it for her EI maternity benefit claim. The Commission says that they followed the law when they applied it to her first initial claim after September 27, 2020, so they cannot change their decision.

Matter I have to consider first

[5] The Commission said that they made a mistake when they wrote that the issue they decided on was the Claimant's "weeks of entitlement" in their reconsideration decision (GD4-2). They submit that the issue under dispute is about a "one-time credit of 300 hours".

[6] The Claimant and Commission agree that the issue under appeal is a one-time credit of 300 hours and not weeks of entitlement. I note that the file documents and their submissions all address the issue of a one-time credit of 300 hours. Accordingly, I accept that this is the issue in dispute.

Issue

[7] Did the Commission properly apply the 300-hour credit?

Analysis

[8] The Claimant has received a few different types of EI benefits since the start of her benefit period. The table below is a summary of the benefits she received.

Type of benefit:	Benefits received from:
EI- emergency response benefit	April 19, 2020 to October 3, 2020
EI –regular benefits (automatic conversion)	October 4, 2020 to January 30, 2021
EI -sickness benefits (renewal application)	March 14, 2021 to April 10, 2021
EI-maternity benefits (automatic conversion)	April 11, 2021 to ongoing

Did the Commission properly apply the 300-hour credit?

[9] Yes, I find that the Commission properly applied the one-time credit of 300 hours properly to the Claimant’s claim. The law says that if a claimant applies for benefits on or after September 27, 2020, they are deemed to have an extra 300 hours of insurable employment in their qualifying period.¹

[10] The Claimant made two main arguments about her case. The first argument was that she was not told about the one-time credit of 300 hours, or that it was applied to her claim automatically in October 2020. The second argument was that her first initial claim only occurred on March 14, 2021 when she submitted a renewal application for EI sickness benefits. She submits that the one-time credit of 300 hours should apply to that claim instead.

[11] I was not persuaded by the Claimant’s arguments for the following reasons.

[12] First, even if she had been told by the Commission about the one-time credit of 300 hours and that it was applied to her October 2020 claim, it would not have changed the outcome. The Commission was obligated by law to apply the one-time credit of 300

¹ Subsection 153.17(1)(b), *Employment Insurance Act*.

hours to the first claim for EI benefits after September 27, 2020. In this case, the Claimant received EI ERB until October 3, 2020, which followed with her first claim for EI regular benefits from October 4, 2020.

[13] Second, I was not persuaded that her first initial claim only occurred on March 14, 2021 because that was a renewal claim for EI sickness benefits. This means that the one-time 300 hour credit was applicable to the claim for EI regular benefits and not her subsequent claim for EI sickness benefits.

[14] I accept that the Claimant has compassionate circumstances with a new baby at home, but I cannot change the law and apply the one-time credit to another claim.

Conclusion

[15] The appeal is dismissed.

Solange Losier

Member, General Division – Employment Insurance Section