



[TRANSLATION]

Citation: *BV v Canada Employment Insurance Commission*, 2022 SST 453

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

Decision

Appellant: B. V.
Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission reconsideration decision (416152) dated December 23, 2021 (issued by Service Canada)

Tribunal member: Manon Sauvé
Type of hearing: Videoconference
Hearing date: March 2, 2022
Hearing participant: Appellant
Decision date: March 11, 2022
File number: GE-22-354

Decision

[1] The appeal is dismissed. The Claimant hasn't shown that he made his claims for the Employment Insurance (EI) Emergency Response Benefit (ERB) before December 2, 2020.

Overview

[2] The Claimant was laid off in March 2020 because of the COVID-19 pandemic. On March 27, 2020, he applied for EI benefits.

[3] A benefit period for insurance benefits was established effective March 22, 2020. But, because of the pandemic, the government had introduced emergency measures to help unemployed workers get support quickly.

[4] As a result, claims made between March 15, 2020, and October 3, 2020, were claims for the EI ERB.

[5] The Claimant completed his reports to receive the EI ERB on April 20, 2020. He got a message telling him to contact a Service Canada representative.

[6] He contacted a representative on January 21, 2021, for information about his claims. The Commission told him that the deadline for making his claims was December 2, 2020. Since he hadn't contacted the Commission before that date, he wasn't entitled to benefits.

[7] The Claimant disagrees with the Commission's decision. He made repeated attempts to reach Service Canada but was unsuccessful.

Issue

[8] Is the Claimant eligible for the EI ERB?

Analysis

[9] To be eligible for the EI ERB, you have to meet certain conditions.¹ For example, you need to have applied before December 2, 2020.²

[10] The Claimant applied for EI benefits on March 27, 2020. A benefit period was established effective March 22, 2020.

[11] Because of the COVID-19 pandemic, the government had introduced special measures. As a result, between March 15, 2020, and October 3, 2020, unemployed workers made claims for the EI ERB.³

[12] This means that the Claimant qualified for the EI ERB as of March 22, 2020. On April 20, 2020, he completed his reports for the period from March 22, 2020, to April 4, 2020. He reported working 16 hours and earning \$231 during the period from March 22, 2020, to March 28, 2020. For the week of March 29, 2020, to April 4, 2020, he indicated that he had stopped working.

[13] The Commission informed him that his reports required the assistance of a representative.⁴ The Claimant said that he had made repeated attempts to contact the Commission but had been unable to talk to a representative. He admitted to being discouraged and to not persisting in calling. At the hearing, he stated that he had been joking and that he should not have said that.

[14] He mentioned going back to work in May 2020. When he was unemployed, he was unable to contact the Commission.

[15] On January 21, 2021, he was told that he wasn't eligible for the EI ERB because he had needed to make his claims before December 2, 2020.

¹ Section 153.9(1) of the *Employment Insurance Act* (Act)

² Section 153.8(2) of the Act

³ Section 153.5(2) of the Act

⁴ GD3-25

[16] In his reconsideration request, he wrote that he had received \$2,000 from the Canada Emergency Response Benefit program and \$2,000 from EI. The Canada Revenue Agency is asking him to repay \$2,000. He wants to get his 6 weeks of EI benefits to pay off his \$2,000 debt. He has a low income; he is barely above the poverty line.

[17] In addition, he keeps himself informed through the media, but he didn't hear an ad mentioning a deadline for applying for benefits. He can't prove that he contacted the Commission, since he didn't reach it.

[18] The Commission says that the Claimant didn't complete his claims before December 2, 2020. He missed the deadline for making them. The situation is unfortunate, but any claim made after December 2, 2020, can't be approved. Also, there is no evidence that the Claimant contacted the Commission before that date.

[19] The Claimant, on the other hand, says that he made repeated attempts to reach the Commission but was unsuccessful. He could not leave a voice message. The pandemic made it difficult to reach Service Canada. He wasn't the only one seeking information or making a claim. He is prepared to pay off his debt, but he needs to get the benefits he is entitled to. He thinks it a shame not to get his benefits because of a technicality.

[20] In my view, the Claimant isn't eligible to receive the EI ERB from March 22, 2020. He applied for the EI ERB. On April 20, 2020, he completed his reports. He got a message telling him to contact a representative concerning his reports. He had to do this before December 2, 2020, to get his EI benefits.

[21] The *Employment Insurance Act* (Act) says that a claimant has to provide any information that is required in respect of their claim.⁵ In the Claimant's case, the Commission wanted him to contact a representative, and he didn't. The Act also says that a claim must not be made after December 2, 2020.⁶

⁵ Section 153.8(3) of the Act

⁶ Section 158.8(2) [*sic*] of the Act

[22] The Claimant had eight months to contact the Commission to talk to a representative. I understand that he may have had problems, but he hasn't persuaded me that he was unable to talk to a representative the whole time.

[23] I don't accept his argument that he wasn't told there was a deadline. He didn't need an ad to contact the Commission. He had applied for benefits, and he had an obligation to contact the Commission, especially since he had gotten a message that he had to contact a representative and wasn't receiving his benefits.

Conclusion

[24] The Claimant isn't entitled to the EI ERB, since he made his claims after December 2, 2020.

[25] The appeal is dismissed.

Manon Sauvé
Member, General Division – Employment Insurance Section