



[TRANSLATION]

Citation: *LB v Canada Employment Insurance Commission*, 2022 SST 483

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

Decision

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

Decision under appeal: Canada Employment Insurance Commission reconsideration decision (459986) dated March 10, 2022 (issued by Service Canada)

Tribunal member: Josée Langlois
Type of hearing: Teleconference
Hearing date: May 9, 2022
Hearing participant: Appellant
Decision date: May 9, 2022
File number GE-22-1093

Decision

[1] The appeal is dismissed.

[2] I find that the number of weeks determined for the Appellant's benefit period was calculated correctly.

Overview

[3] The Appellant applied for sickness benefits on January 20, 2021. A benefit period was established on January 17, 2021. She got sickness benefits for the maximum of 15 weeks.

[4] On June 23, 2021, the employer issued a second Record of Employment indicating that the Appellant had stopped working on June 23, 2021, and that her last day of work was January 20, 2021. The employer paid the Appellant \$31,678.48 in severance pay.

[5] On September 28, 2021, the Appellant applied to renew her benefit period. The Commission renewed her benefit period, and the Appellant got 17 weeks of regular benefits.

[6] On March 10, 2022, the Commission found that it could not extend the Appellant's benefit period and that she had gotten the maximum number of weeks she was entitled to.

[7] The Appellant doesn't understand why she didn't get 52 weeks of benefits. She would also like to get regular benefits for the period before she renewed her claim, from May 2, 2021, to September 18, 2021.

[8] I have to determine whether the length of the Appellant's benefit period was correctly determined.

Issue

[9] Was the number of weeks determined for the Appellant's benefit period calculated correctly?

Analysis

Was the benefit period's number of weeks calculated correctly?

[10] A claimant can get a maximum of 50 weeks of benefits for benefit periods starting between September 27, 2020, and September 25, 2021.¹

[11] The Appellant argues that she didn't apply to renew her claim for benefits right when she stopped working because she had gotten severance pay from her employer and thought she wasn't entitled to benefits.

[12] At the hearing, the Appellant said that she had contacted a Commission agent on September 28, 2021, to renew her benefit period. She doesn't dispute the number of weeks determined for her benefit period. But, she would like to get benefits for the period from May 2, 2021, and September 18, 2021.

[13] The Commission says that the Appellant asked for an antedate so that she could get benefits from May 2, 2021, to September 18, 2021, but that a decision hasn't been made yet.² It says that the Tribunal doesn't have jurisdiction to hear this issue, since a decision hasn't been made about this yet.

[14] I agree with the Commission. The March 10, 2022, decision has to do with the number of weeks determined for the Appellant's benefit period. At the hearing, she said she wasn't disputing this decision.

[15] The Appellant's benefit period was established on January 17, 2021. She got 15 weeks of sickness benefits until May 1, 2021. The Appellant stopped filling out her

¹ Section 12(2.1) of the *Employment Insurance Act* (Act).

² GD4-3.

claimant reports because she had gotten severance pay from her employer and thought she wasn't entitled to regular benefits.

[16] After looking into it, the Appellant made a renewal claim for benefits on September 28, 2021. She got 17 weeks of regular benefits, from September 19, 2021, to January 15, 2022.

[17] The number of weeks determined for the Appellant's benefit period was calculated correctly. But, the Appellant would like the Commission to consider her renewal claim for benefits as having been filed on May 2, 2021, instead of September 28, 2021.

[18] As the Commission mentioned, a decision for this claim hasn't been made yet. I can't intervene on this issue.³ But, as I said at the hearing, the Appellant's rights are reserved on this issue. If needed, she will be able to exercise her rights once the Commission issues a decision.

[19] The Commission correctly calculated the number of weeks when it established the benefit period. The benefit period could not exceed 50 weeks because it had been established between September 27, 2020, and September 25, 2021.

[20] I find that the Commission correctly calculated the number of weeks determined for the Appellant's benefit period.

Conclusion

[21] The appeal is dismissed.

Josée Langlois
Member, General Division – Employment Insurance Section

³ Section 113 of the Act.