



Citation: *AT v Canada Employment Insurance Commission*, 2022 SST 537

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

## **Decision**

**Claimant:** A. T.

**Commission:** Canada Employment Insurance Commission

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**Decision under appeal:** Canada Employment Insurance Commission reconsideration decision (449339) dated December 30, 2021 (issued by Service Canada)

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**Tribunal member:** Audrey Mitchell

**Type of hearing:** Teleconference

**Hearing date:** March 3, 2022

**Hearing participant:** Claimant

**Decision date:** March 4, 2022

**File number:** GE-22-355

## Decision

[1] The appeal is dismissed. The Commission correctly determined that the Claimant is entitled to only 50 weeks of benefits.

## Overview

[2] The Claimant was laid off from his job. He applied for employment insurance (EI) regular benefits. The Commission paid the Claimant the EI Emergency Response Benefit (ERB). After that they paid him 50 weeks of EI regular benefits. The Claimant doesn't think the Commission calculated his benefits properly. He thinks that because of changes in the law, he may be entitled to more weeks of benefits.

## Issue

[3] Did the Commission correctly determine that the Claimant is entitled to only 50 weeks of benefits?

## Analysis

[4] The Commission may pay a claimant for each week of unemployment in a benefit period.<sup>1</sup> A benefit period is the period during which the Commission can pay a claimant benefits. Often, the benefit period is 52 weeks.<sup>2</sup>

[5] The number of weeks of benefits paid in a benefit period depends on the unemployment rate in your region and the number of hours worked.<sup>3</sup> But, for a claimant who applies for regular benefits, whose benefit period starts between September 27, 2020 and September 25, 2021, the maximum number of weeks of benefits is 50.

[6] The Claimant applied for EI regular benefits in March 2020. The Commission says that he benefited from temporary measures implemented by the Government of Canada. The Commission paid him 24 weeks of the EI ERB. I asked the Claimant about these benefits. He said that he doesn't recall what occurred at that time, but the

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<sup>1</sup> Subsection 12(1), *Employment Insurance Act* (Act).

<sup>2</sup> Subsection 10(2) of the Act.

<sup>3</sup> See section 7(2)(b) of the Act and section 17 of the *Employment Insurance Regulations* (Regulations).

Commission's file should show what he got. I find from a report of payments to the Claimant that he received the EI ERB for the weeks March 22, 2020 to September 27, 2020.

[7] Similarly, for the period after receiving the EI ERB, the Claimant referred to whatever the Commission showed in their file to confirm the benefits he received. The Commission's file shows that they paid the Claimant 50 weeks of regular benefits from October 4, 2020 to September 18, 2021. The Claimant did not dispute this. For this reason, I accept the Commission's evidence as fact.

[8] The Claimant says that he wants a fresh look at the number of weeks of benefits to which he is entitled. He referred to changes in the law and said that the Commission may have missed some information or may not have used the correct economic region when calculating his benefits.

[9] The Commission says that when the Claimant's EI ERB ended, his claim was transitioned to regular benefits. They refer to another temporary measure that gave a credit of 300 hours to claimants who had applied for EI regular benefits. The Claimant otherwise had accumulated only 324 hours of insurable employment in his qualifying period.

[10] I asked the Claimant about the section of the law referred to above that says he is entitled to a maximum of 50 weeks of benefits. Again, he replied that there had been changes to the Act and he wanted to make sure everything had been done in accordance with the law.

[11] The Claimant confirmed that he has not worked between March 2020 and September 18, 2021 when his benefits ended. He confirmed that he lived in the economic region the Commission identified in their file when he applied for benefits. He did not identify a specific change in the law that would affect the calculation of the number of weeks of benefits he is entitled to.

[12] I find that the law is clear that claimants who start a benefit period after September 27, 2020 are entitled to only 50 weeks of benefits. I find that the Claimant's

benefit period started on October 4, 2020. Because of this, he is not entitled to more than 50 weeks of regular benefits.

[13] Because the Claimant didn't work between the time he applied for benefits and September 18, 2021, I don't find that he can start a new benefit period. For these reasons, I find that the Commission correctly determined that the Claimant is entitled to only 50 weeks of benefits.

## **Conclusion**

[14] The appeal is dismissed.

Audrey Mitchell  
Member, General Division – Employment Insurance Section