



Citation: *MB v Canada Employment Insurance Commission*, 2022 SST 1190

Social Security Tribunal of Canada General Division – Employment Insurance Section

Decision

Appellant: M. B.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission reconsideration decision (0) dated May 17, 2022 (issued by Service Canada)

Tribunal member: Solange Losier

Type of hearing: Teleconference

Hearing date: September 14, 2022

Hearing participant: Appellant

Decision date: September 14, 2022

File number: GE-22-1679

Decision

[1] The appeal is dismissed. The parties are no longer in dispute.

Overview

[2] M. B. is the Claimant in this file. The Claimant applied for EI regular benefits on June 24, 2021 and asked to antedate her application to an earlier date, September 27, 2021. However, the Commission decided that the Claimant could not antedate her application for EI benefits to an earlier date.¹

[3] The Claimant appealed to the General Division of the *Social Security Tribunal* (Tribunal). A hearing was held and a General Division decision was issued on November 3, 2021.²

[4] The Claimant then appealed the General Division's decision to the Appeal Division of the Tribunal. The Appeal Division issued a decision on May 16, 2022.³

[5] The Appeal Division decided to "allow the appeal in part", but only on one narrow issue. They said that the General Division "did not deal with the issue about whether the Claimant was eligible to receive benefits after June 24, 2021. After all, the Claimant had expected a decision on this issue".⁴

[6] As a result, the case sent back to the General Division to decide whether the Claimant could establish a benefit period after June 24, 2021. The Commission then issued a reconsideration decision on June 1, 2022 and found in favour of the Claimant.⁵

Issue

[7] Can the Claimant establish a benefit period?

¹ See reconsideration decision at GD3-23 to GD3-24 on the issue of antedate only.

² See Tribunal file GE-21-1855 – decision was issued November 3, 2021.

³ See Tribunal file AD-21-418 – decision was issued on May 16, 2022.

⁴ See paragraph 55 of the Appeal Division decision (AD-21-418).

⁵ See RGD02-1 to RGD02-2.

Analysis

There is no dispute between the parties

[8] As noted above, the Commission's reconsideration decision ruled in favour of the Claimant on the issue of "benefit period not established".⁶ This means that they decided that the Claimant could establish a benefit period after June 24, 2021.

[9] Only the Claimant attended the hearing on September 14, 2022. She confirmed that she had received notification of the above decision and was in receipt of EI benefits. She also agreed that there was no longer a dispute, so the appeal did not need to proceed.

[10] This appeal was not withdrawn by the Claimant, however it did not proceed because the parties are no longer in dispute. I am dismissing the appeal simply because the issue has been resolved in favour of the Claimant.

Conclusion

[11] The appeal is dismissed.

Solange Losier

Member, General Division – Employment Insurance Section

⁶ See RGD02-1 to RGD02-2.