



[TRANSLATION]

Citation: *SZ v Canada Employment Insurance Commission*, 2023 SST 220

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

Decision

Appellant: S. Z.
Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission reconsideration decision (501814) dated August 8, 2022 (issued by Service Canada)

Tribunal member: Manon Sauvé
Type of hearing: Teleconference
Hearing date: December 8, 2022
Hearing participant: The Appellant
Decision date: January 4, 2023
File number: GE-22-2783

Decision

[1] The appeal is dismissed.

[2] The Commission correctly determined the Claimant's weeks of entitlement during the benefit period.

Overview

[3] The Claimant stopped working because of a shortage of work. On January 1, 2022, he applied for Employment Insurance (EI) benefits. On January 28, 2022, he applied again.

[4] On January 23, 2022, the Commission established a 14-week benefit period.

[5] The Claimant disagrees with the Commission. He is entitled to 24 weeks of benefits based on the information available on the Commission's website.

Issue

[6] Did the Commission correctly establish the Claimant's benefit period?

Analysis

[7] I note that the Claimant worked for his employer from September 4, 2021, to December 24, 2021. During this period, he accumulated 593 hours of insurable employment. On January 1, 2021, he worked 16 hours for the same employer, with 609 hours of insurable employment.

[8] On January 1, 2022, he made an initial claim for EI benefits. He would not pursue this claim.

[9] On January 28, 2022, he made a new claim for EI benefits.

[10] Under the *Employment Insurance Act* (Act), the Commission established a benefit period effective January 23, 2022. When determining the benefit period and

payments,¹ the Commission considered the Claimant's number of hours worked, his region, and the regional rate of unemployment.

The Claimant's region and regional rate of unemployment

[11] The Commission determined that the Claimant's region was region X. The regional rate of unemployment between January 9, 2022, and February 5, 2022, for that region was 5.7%. The number of hours of insurable employment was 420 hours, the minimum number of weeks payable was 14 weeks, and the maximum was 36 weeks.²

[12] I note that the Claimant testified that he lived in region X at the time of his claim.

[13] As part of the reconsideration request, the Commission also provided the information for a claim made on January 1, 2021. This doesn't change the minimum benefit period or the number of hours needed.³

[14] According to the Table in Schedule 1,⁴ the Claimant worked 609 hours with an unemployment rate of less than 6%. He is entitled to 14 weeks of benefits. Even if the Commission had considered his first claim, it doesn't change the number of weeks of benefits.

[15] In his notice of appeal, the Claimant referred to the table as of August 13, 2022.⁵ I can't accept this evidence, since it refers to a period after the Claimant's claim. When the Commission establishes a benefit period, it considers the rate that was in effect when the claim was made. In the Claimant's case, it took into account the weeks between January 9, 2022, and February 5, 2022.

[16] The Claimant also argues that the benefit amount of \$270 isn't correct. He should have received \$409.56, which is 55% of his \$744.64 salary.

¹ Sections 7, 8 and 12 of the *Employment Insurance Act* (Act).

² GD3-37.

³ GD3-49.

⁴ See section 12(2) of the Act; and GD4-10 – Table of Weeks of Benefits.

⁵ GD2-6.

[17] On December 9, 2022, I sent the Commission a request to investigate and report⁶ on this matter.

[18] On December 12, 2022, the Commission submitted its report. The benefit amount was determined using the benefit rate table,⁷ the divisor is 22 for a benefit rate of 6% or less. So, the calculation is as follows: the total earnings are \$10.815 divided by the divisor 22 which comes to \$492. The rate then has to be set at 55% of this amount, which corresponds to \$270 per week.

[19] In the circumstances, I am of the view that the Commission correctly established the benefit period and the rate of earnings.

Conclusion

[20] The appeal is dismissed.

Manon Sauvé
Member, General Division – Employment Insurance Section

⁶ In accordance with section 50 of

⁷ GD8-2.