



Citation: *GD v Canada Employment Insurance Commission*, 2023 SST 836

Social Security Tribunal of Canada Appeal Division

Decision

Appellant: G. D.

Respondent: Canada Employment Insurance Commission
Representative: Joshua Toews

Decision under appeal: General Division decision dated April 19, 2023
(GE-23-490)

Tribunal member: Shirley Netten

Type of hearing: In Writing

Decision date: June 26, 2023

File number: AD-23-434

Decision

[1] The appeal is allowed. The General Division decision is rescinded (cancelled).

Background

[2] G. D. (Claimant) received 14 weeks (\$7,000) of Employment Insurance Emergency Response Benefits (EI-ERB) in April and May 2020.

[3] In November 2021, the Canada Employment Insurance Commission (Commission) told the Claimant that he was entitled to only ten weeks of EI-ERB (\$3,000) and had to return \$2,000. On reconsideration, the Commission suggested that the Claimant was entitled to additional weeks of EI-ERB, but ultimately maintained its decision about the overpayment.

[4] The Claimant lost his appeal to the General Division. He then appealed to the Appeal Division.

The parties agree on the outcome of the appeal

[5] The parties participated in a settlement conference. They agree that the General Division made an error of fact about which weeks were part of the EI-ERB claim in this case. The parties further agree that the General Division decision should be rescinded. The Commission will then be able to implement the agreement the parties reached about the Claimant's EI-ERB.¹

I accept the proposed outcome

[6] The General Division made an error of fact by not considering the contemporaneous evidence about the weeks included in the Claimant's EI-ERB claim (associated with the four-week advance payment). Since I don't have complete evidence or arguments about the Claimant's EI-ERB entitlement after May 30, 2020,

¹ The parties agreed to additional EI-ERB entitlement, reducing the Claimant's overpayment to \$500.

and since the parties have now agreed on that entitlement, it is appropriate for me to simply rescind the General Division decision.

Conclusion

[7] The appeal is allowed. The General Division decision is rescinded.

Shirley Netten
Member, Appeal Division