



[TRANSLATION]

Citation: *ES v Canada Employment Insurance Commission*, 2023 SST 1288

## **Social Security Tribunal of Canada Appeal Division**

# **Decision**

**Appellant:** E. S.

**Respondent:** Canada Employment Insurance Commission  
**Representative:** Anick Dumoulin

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**Decision under appeal:** General Division decision dated April 3, 2023 (GE-22-3922)

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**Tribunal member:** Jude Samson

**Type of hearing:**

**Decision date:** September 18, 2023

**File number:** AD-23-387

## Decision

[1] E. S. is the Claimant in this case. I am granting permission to appeal and allowing his appeal.

## Overview

[2] The Canada Employment Insurance Commission (Commission) paid the Claimant the Employment Insurance Emergency Response Benefit (EI ERB) for 12 weeks, from March 15, 2020, to June 6, 2020. He was also paid a \$2,000 advance payment, which is the equivalent of four weeks of additional benefits.

[3] Two years later, the Commission found that the Claimant was not eligible for the advance payment and sent him a notice of debt.

[4] The Claimant appealed the Commission's decision to the Social Security Tribunal's General Division. The General Division dismissed the appeal, saying that the Claimant was not eligible for the \$2,000 advance payment.

## The parties agree on the outcome of the appeal

[5] At a case conference on September 15, 2023, the parties reached an agreement that I summarize as follows:

- a) The General Division made an error of law in its decision.
- b) In the circumstances, permission to appeal should be granted, the appeal should be allowed, and the General Division decision should be cancelled.
- c) Also, the Commission has committed to implement its reconciliation policy, which will cancel the Claimant's notice of debt.<sup>1</sup>

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<sup>1</sup> See the Commission's letter, numbered AD02 in the appeal file.

**I accept the proposed outcome**

[6] I agree that the General Division made an error of law. In paragraph 10 of its decision, the General Division found that the Claimant was not entitled to the advance payment because he was receiving the EI ERB at the same time. But, this finding is contrary to the provision authorizing the Commission to pay the Employment Insurance (EI) benefit before it usually would be.<sup>2</sup>

**Conclusion**

[7] Based on the information before me, I am granting permission to appeal, allowing the appeal, and rescinding (cancelling) the General Division decision. My decision will allow the Commission to apply its reconciliation policy in the Claimant's situation.

[8] I want to thank the parties for settling this appeal.

Jude Samson  
Member, Appeal Division

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<sup>2</sup> See section 153.7(1.1) of the *Employment Insurance Act*.