



[TRANSLATION]

Citation: *PB v Canada Employment Insurance Commission*, 2023 SST 1368

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

Decision

Appellant: P. B.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission
reconsideration decision (598102) dated June 30, 2023
(issued by Service Canada)

Tribunal member: Charline Bourque

Type of hearing: Teleconference

Hearing date: August 30, 2023

Hearing participant: Appellant

Decision date: September 7, 2023

File number: GE-23-1888

Decision

[1] The appeal is dismissed.

[2] The Claimant received the maximum number of weeks of Employment Insurance (EI) sickness benefits.

Overview

[3] The Claimant applied for EI sickness benefits starting November 6, 2022.

[4] The Claimant says that he had surgery on November 6, 2022. Then, he was in a motor vehicle accident on February 1, 2023, which required a long recovery. He also had another surgery on July 6, 2023.

[5] He is asking that his sickness benefits be extended because he hasn't recovered and isn't fit for work. He notes that sickness benefits now grant up to 26 weeks and he has only received 15 weeks.

[6] The Commission says that the Claimant has already received sickness benefits for the maximum 15 weeks from November 6, 2022, to December 3, 2022, and from April 2, 2023, to June 24, 2023. This means that the Claimant can no longer receive sickness benefits during his benefit period.

Issue

[7] Can the Claimant receive additional weeks of sickness benefits?

Analysis

Issue 1: Can the Claimant receive additional weeks of sickness benefits?

[8] The Claimant is asking for more weeks of sickness benefits because his recovery lasted more than 15 weeks.

[9] The Claimant confirms that he received 15 weeks of sickness benefits.

[10] The Commission confirms that sickness benefits were paid from November 6, 2022, to December 3, 2022, and from April 2, 2023, to June 24, 2023. It confirms that the Claimant received 15 weeks of sickness benefits.

[11] The Claimant established his claim for benefits on November 6, 2022. On that date, the *Employment Insurance Act* (Act) says that the maximum number of weeks sickness benefits may be paid for in a benefit period is 15 weeks in the case of illness, injury, or quarantine.¹

[12] So, the Claimant received the maximum number of weeks of sickness benefits. There are no circumstances under the Act that allow granting more than the 15 weeks of benefits it provides for.

[13] Unfortunately, even though I understand that the Claimant hadn't recovered and that several incidents led to periods of being off work, my role is to apply the Act, and I can't change it just to please the Claimant who is dissatisfied. The Act sets out specific criteria that a claimant has to meet to be entitled to benefits.²

[14] I have considered whether the Claimant could have received more weeks of sickness benefits because of the change to the Act.

[15] On December 18, 2022, the section of the Act that determines the maximum number of weeks of benefits that can be granted was changed. The Act now says that in cases of illness, injury, or quarantine, a maximum of 26 weeks of benefits could be granted.

[16] Since the Claimant filed his claim for benefits to start on November 6, 2022, he doesn't qualify for this new provision. This is because only claims made on or after December 18, 2022, allow for a maximum of 26 weeks of benefits.

¹ See section 12(3)(c) of the *Employment Insurance Act*.

² See *Granger v Commission (CEIC)*, FCA A-684-85; and *Wegener v Canada (Attorney General)*, 2011 FC 137.

[17] The Claimant indicated that he didn't work after November 6, 2022, because he was on medical leave. So, he could not establish a new claim for benefits starting after December 18, 2022.

[18] So, since the Claimant received the maximum number of weeks of sickness benefits, he could not receive EI benefits for other weeks of sickness benefits.

Conclusion

[19] The Claimant received the maximum number of weeks of benefits under the Act—15 weeks.

[20] The appeal is dismissed.

Charline Bourque
Member, General Division – Employment Insurance Section