



Citation: *AS v Canada Employment Insurance Commission*, 2023 SST 114

Social Security Tribunal of Canada General Division – Employment Insurance Section

Decision

Appellant: A. S.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission reconsideration decision (536362) dated September 11, 2022 (issued by Service Canada)

Tribunal member: Angela Ryan Bourgeois

Type of hearing: Teleconference

Hearing date: February 2, 2023

Hearing participant: None

Decision date: February 8, 2023

File number: GE-22-3158

Decision

[1] The appeal is dismissed.

[2] The Claimant's benefit period can't be extended.

Overview

[3] The Claimant applied for Employment Insurance (EI) regular benefits in September 2021.¹

[4] The Canada Employment Insurance Commission (Commission) decided that the Claimant's benefit period was the standard 52-week period – September 5, 2021, to September 3, 2022. Within this 52-week period, she could receive up to a maximum of 50 weeks of EI benefits.

[5] The Commission paid the Claimant 17 weeks of EI benefits from September 5, 2021, until January 1, 2022.

[6] The Claimant returned to work. She worked from January 2022, until June 2022.

[7] In August 2022, the Claimant asked the Commission to extend her benefit period because she had returned to work, and didn't receive EI benefits while working.²

[8] The Commission refused to extend her benefit period. But it paid the Claimant 10 more weeks of EI benefits from June 26, 2022, to September 3, 2022.

[9] The Claimant has appealed that decision to the Tribunal.³

[10] I have to decide if the Claimant's benefit period can be extended so she can receive more weeks of EI benefits.

¹ The application form, also called an initial claim for benefits, starts on page GD3-3.

² See reconsideration request on page GD3-29.

³ See GD2.

Matter I have to consider first

The Claimant wasn't at the hearing.

[11] The Claimant wasn't at the hearing.

[12] A hearing can go ahead without the Claimant if the Claimant got the notice of hearing.⁴

[13] I think the Claimant got the notice of hearing because it was emailed to her twice to the email address she gave the Tribunal. The first email was sent on December 7, 2022. The second email was sent on February 1, 2023. Nothing in the file suggests that she didn't receive these emails.

[14] As of the date of this decision, the Claimant hasn't contacted the Tribunal or asked for the hearing to be rescheduled.

[15] So, the hearing took place when it was scheduled, but without the Claimant.

Issue

[16] Can the Claimant's benefit period be extended?

Analysis

What is a benefit period?

[17] A benefit period is the time during which a claimant can be paid EI benefits. Benefits cannot be paid to a claimant after the benefit period ends.⁵

[18] The Claimant's benefit period is from September 5, 2021, to September 3, 2022.

[19] The Claimant wants me to extend her benefit period so she can claim EI benefits after September 3, 2022.

⁴ Section 58 of the *Social Security Tribunal Rules of Procedure* sets out this rule.

⁵ See section 9 of the *Employment Insurance Act* (Act).

Extending a benefit period

[20] A benefit period can be extended in certain situations.⁶ These are:

- being in jail if you are later found not guilty
- receiving severance pay
- receiving workers' compensation payments for an illness or injury
- receiving payments because you can't work because of danger to yourself, your unborn child or a child being breastfed

[21] The Claimant says the benefit period should be extended because:

- her employment insurance is supposed to be January 2022, to September 2022, but she worked at a contract job from January until June 2022
- she was scammed and lost her RRSP money

The benefit period can't be extended

[22] I find that the Claimant's benefit period can't be extended. It can't be extended because the Claimant hasn't proven that she falls within one of the situations that lets me extend a benefit period.

[23] There is no evidence in the file that any of the situations to extend the benefit period apply to the Claimant. The Claimant hasn't argued that those situations apply to her. And she told the Commission that those situations didn't apply to her.⁷

[24] I know the Claimant didn't receive as many weeks of EI benefits that she might have received if she hadn't returned to work. I was sorry to hear about the fraud and her financial situation.

⁶ See section 10(10) of the Act.

⁷ See supplementary record of claim on page GD3-31.

[25] But a benefit period can only be extended when one of the specific situations set out in the law applies. The Claimant's circumstances are unfortunate, but they aren't the ones that let me extend her benefit period.

Conclusion

[26] The Claimant's benefit period cannot be extended. She doesn't meet any of the conditions that would let me extend her benefit period.

[27] The appeal is dismissed.

Angela Ryan Bourgeois
Member, General Division – Employment Insurance Section