



Citation: *TY v Canada Employment Insurance Commission*, 2024 SST 554

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

## Decision

**Appellant:** T. Y.

**Respondent:** Canada Employment Insurance Commission

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**Decision under appeal:** Canada Employment Insurance Commission reconsideration decision (599072) dated August 11, 2023 (issued by Service Canada)

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**Tribunal member:** Angela Ryan Bourgeois

**Type of hearing:** Videoconference

**Hearing date:** January 25, 2024

**Hearing participant:** Appellant

**Decision date:** March 19, 2024

**File number:** GE-23-3224

## Decision

[1] The appeal is dismissed. The Appellant was paid 15 weeks of Employment Insurance (EI) sickness benefits during the benefit period starting February 13, 2022. This is the maximum weeks of EI sickness benefits allowed by law.

## Overview

[2] The Appellant applied for EI sickness benefits on February 15, 2022.<sup>1</sup> He had an accident in November 2021, and wasn't capable of working. The Appellant also had an accident in November 2022.

[3] The Canada Employment Insurance Commission (Commission) says it approved his claim for EI sickness benefits starting in February 2022. It says it paid him the maximum weeks allowed, which is 15 weeks.<sup>2</sup>

[4] The Appellant says he hasn't received his full entitlement to EI sickness benefits. The Appellant also has concerns about other decisions the Commission has made.

[5] I can only look at issues that have been reconsidered by the Commission. The only issue in this file that has been reconsidered by the Commission is the EI sickness benefits paid to the Appellant during the February 2022 benefit period.

[6] So, this decision is about the EI sickness benefits paid to the Appellant during the February 2022 benefit period.

[7] As part of this appeal, I have considered some related issues, but only to the extent that they could have affected his entitlement to EI benefits paid under the February 2022 benefit period.

## Issue

[8] Did the Commission pay the Appellant the 15 weeks of EI sickness benefits he was entitled to receive?

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<sup>1</sup> See application form starting on page GD3-4.

<sup>2</sup> The maximum weeks of EI sickness benefits has since changed. There is no dispute that the maximum weeks at the time of the Appellant's claim was 15 weeks.

## Analysis

[9] The Appellant applied for EI sickness benefits on February 15, 2022.<sup>3</sup> The Commission says it paid him 15 weeks of benefits. The Appellant says the Commission hasn't paid him his full entitlement of EI sickness benefits.

[10] I understand why the Appellant might believe that the Commission hasn't paid him the benefits it claims it paid.<sup>4</sup> The Appellant received the actual payment of the benefits between November 2022 and June 2023. The benefits that were originally paid for the weeks starting November 20, 2022, to February 5, 2023, were later applied to the weeks starting March 6, 2022.

[11] The table below shows the EI sickness benefits paid to the Appellant.<sup>5</sup> The highlighted weeks are those that were later applied to the weeks starting March 6, 2022.

Weeks of Benefits	Original week for which benefits were paid	Amended week for which benefits were paid	Benefit Paid (\$)	Date processed or Issue date
-	13-Feb-22	13-Feb-22	\$0	24-Nov-22
1	20-Feb-22	20-Feb-22	473	24-Nov-22
2	27-Feb-22	27-Feb-22	473	24-Nov-22
3	20-Nov-22	6-Mar-22	473	29-Dec-22
4	27-Nov-22	13-Mar-22	473	29-Dec-22
5	4-Dec-22	20-Mar-22	473	29-Dec-22
6	11-Dec-22	27-Mar-22	473	29-Dec-22
7	18-Dec-22	3-Apr-22	473	10-Jan-23
8	25-Dec-22	10-Apr-22	473	10-Jan-23
9	1-Jan-23	17-Apr-22	473	15-Jan-23
10	8-Jan-23	24-Apr-22	473	15-Jan-23
11	15-Jan-23	1-May-22	473	29-Jan-23
12	22-Jan-23	8-May-22	473	29-Jan-23
13	29-Jan-23	15-May-22	473	12-Feb-23
14	5-Feb-23	22-May-22	473	27-Feb-23
15	29-May-22	29-May-22	473	18-Jun-23

<sup>3</sup> See application starting on page GD3-4.

<sup>4</sup> See GD16.

<sup>5</sup> See pages GD14-3, GD3-117, and GD3-109.

[12] The Appellant says that the Commission only paid him EI sickness benefits until March 5, 2022. The Commission sent him a letter saying he was approved until March 5, 2022.

[13] But this letter doesn't mean that he wasn't paid EI sickness benefits for the weeks after March 5, 2022.<sup>6</sup>

[14] The Commission sent the letter with the March 5, 2022 end date because when it was processing his claims in November 2022, it realized that the medical information only went to March 5, 2022. To pay him benefits beyond March 5, 2022, the Appellant needed to provide another medical note.<sup>7</sup>

[15] Also in November 2022, the Appellant had another accident.

[16] So, on December 2, 2022, the Appellant reapplied for EI sickness benefits, and included three medical notes with his application form.<sup>8</sup>

[17] The Appellant's medical notes and other medical evidence shows that he couldn't work from November 17, 2022, to April 5, 2023.<sup>9</sup>

[18] In March 2023, the Appellant asked for a reconsideration of the Commission's verbal decision of March 10, 2023. There is no evidence of a telephone call on that date. The Appellant said that the Commission told him that he was overpaid benefits and had to repay them. The Appellant questioned how he could have been overpaid benefits since he was entitled to 15 weeks of benefits and they only allowed his claim until March 5, 2022<sup>10</sup>. The Appellant included a notice of debt, one for \$5,660 for an indefinite disentitlement starting on June 15, 2022, and another for \$500 for an EI Emergency Response Benefit overpayment.<sup>11</sup>

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<sup>6</sup> See page GD3-57.

<sup>7</sup> See page GD3-55.

<sup>8</sup> See application form starting on page GD3-58.

<sup>9</sup> See medical notes starting on page GD3-74. See page GD3-77. See also Discharge Summary on page GD3-82, and additional medical note saying he couldn't return to work until reassess by neurosurgeon, on page GD3-85. See also note on page GD3-88.

<sup>10</sup> The Appellant's reconsideration request starts on page GD3-96.

<sup>11</sup> See page GD3-101 and GD3-102

[19] Upon reconsideration, in August 2023, the Commission accepted that the Appellant hadn't been capable of returning to work on March 5, 2022.<sup>12</sup> The reconsideration decision meant that the Appellant was entitled to 15 weeks of EI sickness benefits from February 13, 2022, to June 6, 2022.<sup>13</sup>

[20] The Commission sent the Appellant a letter explaining that he was entitled to 15 continuous weeks of EI benefits from February 13, 2022, to June 4, 2022. It applied 12 weeks it already paid the Appellant for the weeks of November 20, 2022, to February 10, 2023, to these earlier weeks, and removed the payments from these later weeks.<sup>14</sup> The Commission paid the Appellant the last week of his 15-week entitlement on June 16, 2023.<sup>15</sup>

[21] The Commission also processed the Appellant's December 2022 application for EI sickness benefits.<sup>16</sup> The Commission decided that the Appellant didn't have enough hours to establish another, or subsequent, claim for EI sickness benefits.<sup>17</sup> It said he had 393 insurable hours but needed 600.<sup>18</sup> This meant that he couldn't be paid EI sickness benefits for the period after his November 2022 injury. Since the Appellant wasn't capable of working, he also couldn't be paid EI regular benefits.

[22] The change in the weeks for which the benefits were paid explains why the Appellant believes that he wasn't paid EI sickness benefits after March 5, 2022. He received the benefits in January, February, and June 2023, even though the benefits were initially paid for the period starting November 2022.

[23] The change also means that the Appellant hasn't received any EI sickness benefits for the weeks after his November 2022 injury. I know that he received payments after the November 2022 accident, but those payments are for the EI benefits

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<sup>12</sup> See page GD3-107.

<sup>13</sup> See page GD3-108.

<sup>14</sup> See page GD3-109 to GD3-110.

<sup>15</sup> See page GD14-03. It recovered an overpayment or penalty from this payment, so the net amount was less than his regular payment. See page GD14-4. If the Appellant wants details about this deduction, he could ask the Commission for an explanation.

<sup>16</sup> See page GD3-78.

<sup>17</sup> See page GD3-109 to GD3-110. This isn't an issue that I have the power to decide. There is no reconsideration decision in the file about whether the Appellant has enough hours to qualify for a subsequent claim of EI sickness benefits.

<sup>18</sup> See page GD3-110.

he is entitled to under the February 13, 2022, benefit period. Those payments exhausted his entitlement to EI sickness benefits under that benefit period. So, he is only entitled to more weeks of EI sickness benefits if he again works enough hours to qualify for sickness benefits.

– **Other matters**

[24] The Appellant would like to know why he didn't receive EI benefits he believes he should have received under earlier claims for benefits.<sup>19</sup> I have no jurisdiction to consider his earlier claims as there are no reconsideration decisions in the file about those earlier claims. The Appellant also provided notices of debt, but there is no overpayment in the issue before me.

[25] I encourage the Commission to reach out to the Appellant to explain its other decisions and related overpayment.<sup>20</sup> Doing so would allow him to make informed decisions about his concerns.

[26] The Appellant mentioned a July 18, 2022 letter from the Commission saying that it couldn't pay him EI benefits from February 13, 2022, because he had exhausted his full entitlement to sickness benefits, and that he hadn't proven his availability for work.<sup>21</sup>

[27] This letter means that the Appellant couldn't be paid any more EI sickness benefits under a claim that started in May 2021. That benefit period is the subject of another appeal before the Tribunal. Despite that letter, the evidence shows that the Appellant established a subsequent benefit period starting on February 13, 2022, and during that benefit period he was paid 15 weeks of EI sickness benefits.

[28] The Appellant believes that the name by which he is identified in the Commission's system might have affected his benefits.<sup>22</sup> I see no evidence in the file that would suggest that the Appellant's name affected his entitlement to benefits in this claim.

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<sup>19</sup> For example, see page GD3-105 and GD3-99 to GD3-100.

<sup>20</sup> Except for the overpaid EI Emergency Response Benefit, which has been decided by the Tribunal in another appeal file.

<sup>21</sup> See page GD3-100.

<sup>22</sup> See page GD3-99.

## **Conclusion**

[29] The Appellant is entitled to 15 weeks of EI sickness benefits for the benefit period starting on February 13, 2022, which is the maximum number of weeks allowed.

[30] The Commission has paid the Appellant these 15 weeks of benefits.

[31] The appeal is dismissed.

Angela Ryan Bourgeois  
Member, General Division – Employment Insurance Section