



Citation: *TY v Canada Employment Insurance Commission*, 2024 SST 545

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

Decision

Appellant: T. Y.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission reconsideration decision (597260) dated August 11, 2023 (issued by Service Canada)

Tribunal member: Angela Ryan Bourgeois

Type of hearing: Videoconference

Hearing date: January 25, 2024

Hearing participant: Appellant

Decision date: March 4, 2024

File number: GE-23-3222

Decision

[1] The appeal is dismissed. The Appellant was paid 15 weeks of Employment Insurance (EI) sickness benefits during the benefit period starting May 16, 2021. This is the maximum weeks of EI sickness benefits allowed by law.

Overview

[2] The Appellant applied for EI regular benefits in May 2021. He had an accident on November 1, 2021, and wasn't capable of working. He asked for EI sickness benefits in February 2022.¹

[3] The Canada Employment Insurance Commission (Commission) reconsidered his claims for benefits from October 31, 2021. Because the Appellant couldn't work after October 31, 2021, the Commission converted his claims for EI regular benefits to claims for EI sickness benefits.² As a result of this change, it says it paid the Appellant 15 weeks of EI sickness benefits under that May 2021 benefit period.

[4] The Appellant says he doesn't have any question about 2021 sickness benefits.³ He says that he did not ask for sickness benefits in 2021.⁴ He asked for sickness benefits on February 13, 2022.⁵

[5] The Appellant has complaints about the Commission, and how it has handled his claims for benefits as far back as 2016.⁶

[6] But 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 May 2021 benefit period.

¹ See application form dated February 15, 2022, starting on page GD3-4.

² There is no dispute that the Appellant couldn't work from November 1, 2021.

³ See page GD18-1. At the hearing, he told me he didn't want to withdraw this appeal.

⁴ See page GD15-1.

⁵ See page GD15-2.

⁶ See page GD15-3.

[7] So, this decision is about the EI sickness benefits paid to the Appellant during the May 2021 benefit period.

[8] 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 May 2021 benefit period. For example, the Appellant believes that the spelling of his name in certain documents has affected his entitlement to benefits.

[9] My analysis may answer some of the Appellant's additional concerns, but he will have to ask the Commission to make a decision about any issues that remain.⁷ If he isn't happy with the Commission's response, he can ask for a reconsideration decision. It is only after a reconsideration decision has been made that he can appeal those matters to the Tribunal.

Matter I have to consider first

I accepted documents after the hearing

[10] Following the hearing on January 25, 2024, I asked the Commission to provide some additional documents and provide an explanation about the various versions of the Appellant's name in the file.⁸

[11] The Commission responded within the set time.⁹ I gave the Appellant time to provide additional written submissions in response.¹⁰ The Appellant provided a response within the set time, which I have considered.¹¹

[12] Also, at the hearing, the Appellant talked about what his bank statements would show. I gave the Appellant time to file his bank statements with the Tribunal.¹² He filed

⁷ For example, the Appellant says the Commission decided that he couldn't get benefits in 2019 because he was in college. See page GD18-1. He can ask the Commission to reconsider that decision and if he isn't satisfied with the response, he can then appeal it to the Tribunal.

⁸ See GD13.

⁹ See GD16.

¹⁰ See GD17.

¹¹ See GD18.

¹² See GD14.

the documents on time.¹³ I gave the Commission a chance to provide additional arguments in response to the Appellant's documents.¹⁴ The Commission didn't provide a response.

Issue

[13] Has the Appellant received the 15 weeks of EI sickness benefits the Commission says it paid him?

Analysis

[14] The Appellant applied for EI regular benefits on May 19, 2021.¹⁵ The Commission paid him EI regular benefits AND EI sickness benefits under the benefit period beginning May 16, 2021.

[15] The Appellant says he doesn't have a question about EI sickness benefits in 2021. He says he asked for EI sickness benefits on February 13, 2022, and in October 2022, he contacted J., who told him that he would receive 15 weeks of EI sickness benefits.¹⁶ But he didn't receive any sickness benefits after that, even though the Commission claims that it paid him 15 weeks of benefits.

[16] It's not clear to me that the Appellant realizes that he was paid EI sickness benefits under the May 2021 benefit period. This is because the benefits were originally paid as EI regular benefits, but when the Commission learned that the Appellant wasn't capable of working, it retroactively changed his claim from a claim for EI regular benefits to a claim for EI sickness benefits. The change was effective from October 31, 2021.

[17] The Commission didn't complete the change until July 2022. This meant that the Appellant didn't receive some of the benefits payable for January and February 2022 until July 2022.

¹³ See GD15.

¹⁴ See Tribunal letter dated January 29, 2024, enclosing a copy of GD15.

¹⁵ See application starting on page GD16-4.

¹⁶ See page GD15-2.

[18] Considering all the evidence on file, including the Commission's statements and the Appellant's bank statements, I find that the Commission paid the Appellant 15 weeks of EI sickness benefits for the weeks of October 31, 2021, to February 12, 2022.

[19] The table below shows the EI sickness benefits paid to the Appellant.

Weeks of Benefits	Week of	Benefit Paid (\$)	Federal Tax deducted (\$)	Net payment (\$)	Date payment processed	Deposit date from Appellant's bank statement¹⁷
1	31-Oct-21	\$500	\$40	\$460	5-Nov-21	9-Nov-21
		66	0	66	13-Jan-22	17-Jan-22
2	7-Nov-21	500	40	460	19-Nov-21	23-Nov-21
		66	0	66	13-Jan-22	17-Jan-22
3	14-Nov-21	500	40	460	19-Nov-21	23-Nov-21
		66	0	66	13-Jan-22	17-Jan-22
4	21-Nov-21	500	40	460	6-Dec-21	08-Dec-21
		66	0	66	13-Jan-22	17-Jan-22
5	28-Nov-21	500	40	460	6-Dec-21	08-Dec-21
		66	0	66	13-Jan-22	17-Jan-22
6	5-Dec-21	500	40	460	17-Dec-21	21-Dec-21
		66	0	66	13-Jan-22	17-Jan-22
7	12-Dec-21	500	40	460	17-Dec-21	21-Dec-21
		66	0	66	13-Jan-22	17-Jan-22
8	19-Dec-21	500	38	462	31-Dec-21	05-Jan-22
		66	0	66	13-Jan-22	17-Jan-22
9	26-Dec-21	500	38	462	31-Dec-21	05-Jan-22
		66	0	66	13-Jan-22	17-Jan-22
10	2-Jan-22	566	53	513	15-Jul-22	19-Jul-22
11	9-Jan-22	566	53	513	15-Jul-22	19-Jul-22
12	16-Jan-22	566	53	513	15-Jul-22	19-Jul-22
13	23-Jan-22	566	53	513	15-Jul-22	19-Jul-22
14	30-Jan-22	566	53	513	15-Jul-22	19-Jul-22
15	6-Feb-22	566	53	513	15-Jul-22	19-Jul-22

¹⁷ The bank statements start on page GD15-4.

[20] Besides the retroactive change in benefit type (from regular to sickness), other issues made it difficult to understand how and when the Commission paid the Appellant EI sickness benefits under this benefit period. These include:

- The Appellant's benefit rate was retroactively increased by \$66 on January 13, 2022. So, he received a lump sum payment on January 17, 2022, for \$2,178, representing 33 weeks of EI benefits at \$66 per week.¹⁸
- His EI sickness benefits weren't approved until July 2022, so he didn't receive his EI sickness benefits for the weeks of January 2, 2022, to February 6, 2022, until July 19, 2022.¹⁹ The deposit was for \$3,078, which represents his net weekly payment of \$513 for the last six weeks of his EI sickness benefits ($\$513 \times 6 = \$3,078$).

[21] The Commission's statements and the Appellant's bank statements show that the Appellant received 15 weeks of EI sickness benefits from October 31, 2021. Since 15 weeks is the maximum number of weeks allowed, he received all the EI sickness benefits he was entitled to receive.²⁰

[22] The Appellant says the Commission couldn't have paid him EI sickness benefits from October 31, 2021, because he didn't ask for them until February 2022.²¹

[23] I understand the Appellant asked for EI sickness benefits in February 2022, not October 2021, but since he couldn't work after his accident on November 1, 2021, he wouldn't have been entitled to EI REGULAR benefits then.²² This is because claimants must be capable of working to get EI **regular** benefits. If the Commission hadn't converted his claim for regular benefits to a claim for sickness benefits, the Appellant

¹⁸ See the Appellant's bank statement on page GD15-9. See also pages GD3-61 to GD3-62. See also the 33 payments processed on January 13, 2022, showing on pages GD3-69 to GD3-70.

¹⁹ See the Appellant's bank statement on page GD15-18.

²⁰ This was the maximum number of weeks of EI sickness benefits at the time of the Appellant's claim for benefits.

²¹ See page GD15-2.

²² The Appellant agrees that he couldn't work after the November 1, 2021 accident. But if he disagrees with the Commission's conversion of his claim for EI regular benefits to EI sickness benefits, he can ask the Commission to reconsider its decision.

would have had to repay the benefits the Commission had already paid him for the period of October 31, 2021, to January 13, 2022.

[24] The Appellant believes the Commission fabricated the payments it claims it made in its letter starting on page GD3-61.²³

[25] I find that the payments shown in the Commission's letter accurately reflects the payments it made to the Appellant because, as shown in the table above, the payments set out in the letter correspond to the bank deposits shown in the Appellant's bank statements.

[26] The Appellant questions why the Commission deducted different tax amounts for the same amount of benefits payable. He provided a T4E statement for benefits he received in 2018 showing that only \$5 was deducted in income tax for benefits of \$282.²⁴ He asked that I review this with careful attention to detail.²⁵

[27] I don't know why the amount deducted for income tax changed from \$40 to \$38, or why only \$5 was deducted in 2018. The amount of tax deducted doesn't change my finding that the Appellant received 15 weeks of EI sickness benefits as set out in the table above.

[28] The Appellant provided a copy of the Commission's letter about his entitlement to EI sickness benefits from February 13, 2022, to April 16, 2022.²⁶ These are benefits under a different benefit period and will be addressed in the decision relating to that benefit period.

– **The Appellant's name**

[29] When the Appellant applied for EI benefits, he inputted his full name (first and last) in the spot for his last name. He then inputted his full name again, without spaces

²³ See page GD15-2.

²⁴ See page GD15-24.

²⁵ See page GD15-3.

²⁶ See page GD15-22.

between names, in the spot for his second name. He also inputted his full name in the spot for his last name at birth.²⁷ This is what it looked like:

* Last name (as indicated on your SIN card/letter)

T ■■■ B ■■■ Y ■■

* First given name (as indicated on your SIN card/letter)

T ■■■ E ■■■ Y ■■

Other given name

* Last name at birth

T ■■■ B ■■■ Y ■■

[30] The Appellant says that he has been denied benefits because the Commission messed up his name.

[31] The Commission explained that it uses the name entered by a claimant when they apply for benefits.²⁸ So in the Appellant's case, given how he entered his name on his application form, the Commission used his full name (without spaces) followed by his full name with spaces.²⁹ It remained this way until it was changed in the system, which upon review of the file, happened in July 2022.

[32] The Appellant says that the Commission mixed him up with another family member. But I see nothing in the file that would suggest that how the Appellant's name appeared on the letters affected his entitlement to EI sickness benefits.

[33] The Appellant says that he isn't the person named in the letters and documents that have his incorrect name. While the letters may have the incorrect name, this is based on the name he inputted in the system when he applied for benefits. Since his

²⁷ See page GD16-5.

²⁸ See page GD16-2.

²⁹ See examples on pages GD3-35, GD3-37, and GD3-42.

application and entitlement to benefits are linked to his social insurance number, the incorrect name hasn't affected his entitlement to EI benefits.

How the Commission treated the Appellant

[34] The Appellant told me that the person he spoke to from Regina talked to him in a manner that diminished his worth.³⁰

[35] I am sorry that the Appellant's conversation with the Commission's officer made him feel that way. I have the authority to look at his entitlement to benefits, I don't have the power to investigate complaints about the Commission's staff. To make such a complaint, he could call Service Canada and ask about their complaint process.

Conclusion

[36] The Commission paid the Appellant 15 weeks of EI sickness benefits under the benefit period starting in May 2021. He isn't entitled to more weeks of EI sickness benefits under this benefit period.

[37] The appeal is dismissed.

Angela Ryan Bourgeois
Member, General Division – Employment Insurance Section

³⁰ He told me this at the hearing. See also page GD15-2.