



Citation: *AE v Canada Employment Insurance Commission*, 2025 SST 100

Social Security Tribunal of Canada
General Division – Employment Insurance Section

Decision

Appellant: A. E.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission
reconsideration decision (693578) dated November 22,
2024 (issued by Service Canada)

Tribunal member: Lilian [Klein]

Type of hearing: Teleconference

Hearing date: January 7, 2025

Hearing participants: Appellant

Decision date: January 10, 2025

File number: GE-24-3871

Decision

[1] The law requires me to dismiss this appeal. I'll now explain why.

[2] The law says you must serve a one-week waiting period at the start of your benefit period before payment of Employment Insurance (EI) benefits can begin.

[3] The Appellant doesn't meet any of the exceptions to this rule.

Overview

[4] The Appellant applied for Employment Insurance (EI) regular benefits in August 2023. His claim was paused when he returned to work. It was reactivated when he was laid off again in May 2024. Soon after that benefit period ended, he applied for two-more weeks of EI starting on September 15, 2024.

[5] The Canada Employment Insurance Commission (Commission) says the Appellant can't get benefits for the first week he's claiming in September 2024. That's because the law says, with few exceptions, everyone must serve a one-week waiting period before their benefits can begin.

[6] The Appellant says he didn't use up all his benefits in his August 2023 claim and already served a one-week waiting period for that claim. He says he shouldn't have to serve a waiting period again when all he's requesting is two more weeks of EI. He says this goes against the intent of the law, which is to help you when you lose your job.

The issue I must decide

[7] Does the Appellant have to serve a one-week waiting period before payment on his September 2024 claim can begin? That's the only issue before me.

Analysis

[8] The law says claimants must serve a one-week waiting period before their EI can begin.¹ This is like the deductible in most insurance plans. The law lists some exceptions to this rule.² The Appellant isn't arguing that any of those exceptions apply to him.

[9] The Appellant is arguing that he didn't use up all the benefit weeks in his August 2023 claim and should be able to access what's left in September 2024. He says he's only asking for two more weeks of benefits and it's unfair to cut one of them.

[10] The Appellant says he already served a one-week waiting period at the start of his August 2023 claim and shouldn't have to serve one again. He says he didn't have to do this in May 2023 and September 2024 should be no different. He says the waiting period rule goes against the intent of the law, which is to help you when you lose your job.

My findings

[11] The Appellant doesn't meet any of the exceptions to the one-week waiting period rule. So, a waiting period applies to the start of his new September 2024 claim. I sympathize with his arguments, but I don't have the power to change the law.³

[12] My only role in this appeal is to make a decision on that new claim. The length of his August 2023 claim isn't before me. So, I note for information only that benefit periods are generally 52-weeks long. They end even if not all benefit weeks have been paid. So, when the Appellant applied for EI in September 2024, he was making a new claim and starting a new benefit period. That's why the law mandates another waiting period.⁴

Conclusion

[13] For the reasons explained above, the law requires me to dismiss this appeal.

Lilian Klein

Member, General Division – Employment Insurance Section

¹ See waiting period rule is set out in section 13 of the *Employment Insurance Act*.

² The exceptions are set out in section 14 of the *Employment Insurance Regulations*.

³ See *Attorney General of Canada v Knee*, 2011 FCA 301.

⁴ There was no waiting period in May 2024 since that was a reactivation of his August 2023 claim, not a new claim.