



Citation: *JP v Canada Employment Insurance Commission*, 2025 SST 364

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

## **Decision**

**Appellant:** J. P.

**Respondent:** Canada Employment Insurance Commission

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**Decision under appeal:** Canada Employment Insurance Commission  
reconsideration decision (715116) dated February 4, 2025  
(issued by Service Canada)

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**Tribunal member:** Paul Dusome

**Type of hearing:** Teleconference

**Hearing date:** March 12, 2025

**Hearing participant:** Appellant

**Decision date:** March 24, 2025

**File number:** GE-25-555

## Decision

[1] The appeal is dismissed. The Tribunal disagrees with the Appellant.

[2] The Appellant hasn't shown that he has worked enough hours to qualify for Employment Insurance (EI) benefits.

## Overview

[3] The Appellant applied for EI benefits on December 26, 2024. The Canada Employment Insurance Commission (Commission) decided that the Appellant hadn't worked enough hours to qualify.<sup>1</sup> That was because the Appellant could only use hours he worked since his recent benefit period had started on August 4, 2024.<sup>2</sup>

[4] I have to decide whether the Appellant has worked enough hours to qualify for EI benefits.

[5] The Commission says that the Appellant doesn't have enough hours because he needs 595 hours but has only 12 hours.

[6] The Appellant disagrees and says that the Commission should have also used hours he worked prior to August 4, 2024. It was unfair and arbitrary not to have used those extra hours.

## Issue

[7] Has the Appellant worked enough hours to qualify for EI benefits?

## The factual background

[8] The Appellant taught at a university on a contract basis. The length of the contracts and the number of hours taught varied. He had worked for 168 hours between June 25 and August 6, 2024. He applied for EI benefits on August 29, 2024.

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<sup>1</sup> Section 7 of the *Employment Insurance Act* (EI Act) says that the hours worked have to be "hours of insurable employment." In this decision, when I use "hours," I am referring to "hours of insurable employment."

<sup>2</sup> Section 8(1)(b) of the EI Act.

That application yielded a benefit period starting on August 4, 2024. He returned to work on a new contract in the fall of 2024. He only worked 12 hours during the fall. He then applied for EI benefits on December 26, 2024.

[9] The Commission ruled that the Appellant could only use the hours he worked from August 4, 2024, to December 21, 2024. The Commission ruled that he needed to have 595 hours to qualify for benefits, so it denied the Appellant EI benefits. The Commission confirmed that decision at the reconsideration stage. The Appellant appealed to the Tribunal.

## **Analysis**

### **How to qualify for benefits**

[10] Not everyone who stops work can receive EI benefits. You have to prove that you qualify for benefits.<sup>3</sup> The Appellant has to prove this on a balance of probabilities. This means that he has to show that it is more likely than not that he qualifies for benefits.

[11] To qualify, you need to have worked enough hours within a certain timeframe. This timeframe is called the “qualifying period.”<sup>4</sup>

[12] The number of hours needed to qualify depends on the unemployment rate in your region.<sup>5</sup>

[13] As noted above, the hours counted are the ones that the Appellant worked during his qualifying period. In general, the qualifying period is the 52 weeks before your benefit period would start.<sup>6</sup>

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<sup>3</sup> See section 48 of the EI Act.

<sup>4</sup> See section 7 of the EI Act.

<sup>5</sup> See section 7(2)(b) of the EI Act and section 17 of the *Employment Insurance Regulations*.

<sup>6</sup> See section 8 of the EI Act.

[14] Your **benefit period** isn't the same thing as your **qualifying period**. It is a different timeframe. Your benefit period is the time when you can receive EI benefits.<sup>7</sup>

[15] Your current qualifying period can't overlap with an earlier qualifying period.<sup>8</sup> The Appellant's qualifying period would overlap with his earlier qualifying period if it went back to a time before August 4, 2024. The rationale for this rule is that a claimant for benefits should not be allowed to use hours already used to qualify for benefits.<sup>9</sup>

## **The Appellant's qualifying period**

### **– The Appellant doesn't agree with the Commission**

[16] The Commission decided that the Appellant's qualifying period for his application for benefits made on December 26, 2024, was shorter than the usual 52 weeks because the Appellant had an earlier benefit period that started on August 4, 2024. So, the Commission decided that the Appellant's qualifying period was 19 weeks and went from August 4, 2024, to December 21, 2024.

[17] The Appellant disagrees with the Commission about his qualifying period. The Appellant says that his qualifying period should be longer because a qualifying period can be extended for up to 104 weeks in certain circumstances. He referred to illness or injury as one of those circumstances. This extension is available only for qualifying periods that are the usual 52 weeks long. It does not apply to the shorter qualifying period based on the first day of a previous benefit period.<sup>10</sup>

[18] In his testimony, the Appellant calculated that he had about 840 hours to use towards qualifying for EI benefits. Those were more than the 595 hours needed to qualify. This calculation was based on 300 hours from September 12, 2023, to December 4, 2023, 372 hours from January to May 2024, and 168 hours from June 25 to August 6, 2024. Those hours are not available to the Appellant to use in this appeal. All the hours prior to August 4, 2024, cannot be used based on section 8(1)(b) and (2)

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<sup>7</sup> See section 10 of the EI Act.

<sup>8</sup> Section 8(1)(b) of the EI Act.

<sup>9</sup> *Haile v. Canada (A.G.)*, 2008 FCA 193.

<sup>10</sup> See section 8(1)(a) and (b) and (2) of the EI Act.

of the EI Act. That section prohibits the use of hours worked before a prior benefit period start date, and bars the availability of an extension of the qualifying period.

[19] The Appellant was unable to work for two weeks in November 2024. An extension of a qualifying period is based on the length of time the claimant was subject to the circumstance, such as illness, that supports the extension.<sup>11</sup> Even if I could extend the qualifying period, the addition of two weeks to the Appellant's qualifying period would make no difference. It would not get him anywhere close to the required 595 hours.

### **The Appellant's region and regional rate of unemployment**

[20] The Commission decided that the Appellant's region was Toronto and that the regional rate of unemployment in December 2024 was 8.2%.

[21] This means that the Appellant would need to have worked at least 595 hours in his qualifying period to qualify for EI benefits.<sup>12</sup>

#### **– The Appellant doesn't agree with the Commission**

[22] The Appellant disagrees with the Commission's decision about the regional rate of unemployment that applies to him. The Appellant says that the Commission is wrong because the rate of unemployment was higher in February and March 2025. It was 8.8% then. That does not assist the Appellant because the chart in section 7 of the EI Act states that 595 hours are needed when the regional rate of unemployment is, "more than 8% but not more than 9%". 8.8% is less than 9%, so 595 hours are required to qualify for benefits.

[23] The Appellant also argued that the failure to use hours prior to August 4, 2024, was unfair and arbitrary. That argument cannot succeed because the clear requirement of section 8(1)(b) of the EI Act must be applied.

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<sup>11</sup> See section 8(2) of the EI Act

<sup>12</sup> Section 7 of the EI Act sets out a chart that tells us the minimum number of hours that you need depending on the different regional rates of unemployment.

[24] However, tempting as it may be in some cases adjudicators are permitted neither to re-write legislation nor to interpret it in a manner that is contrary to its plain meaning.<sup>13</sup> So, I cannot override the requirements of section 8(1)(b) because the Appellant finds them to be unfair and arbitrary.

## **The hours the Appellant worked**

### **– The Appellant doesn't agree with the Commission**

[25] The Commission decided that the Appellant had worked 12 hours during his qualifying period. The Appellant disputed this, saying that he had worked more hours than that, based on his argument that he could use hours worked prior to August 4, 2024. As set out under the subheading above, **The Appellant's qualifying period**, the Appellant could not use those hours before August 4, 2024, to qualify for benefits.

[26] I accept the Commission's calculation of 12 hours worked from August 4, 2024. This is based on the Record of Employment showing that the Appellant worked August 5 and 6, 2024. That supports the 12 hours used by the Commission.

## **So, has the Appellant worked enough hours to qualify for EI benefits?**

[27] I find that the Appellant hasn't proven that he has enough hours to qualify for benefits because he needs 595 hours but had only worked 12 hours in his qualifying period.

[28] The Appellant asked that I count hours he worked prior to August 4, 2024, in calculating the total number of hours he worked. I cannot take into account any hours worked prior to the August 4, 2024, start of his previous benefit period.<sup>14</sup>

[29] EI is an insurance plan and, like other insurance plans, you have to meet certain requirements to receive benefits. In this case, the Appellant doesn't meet the

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<sup>13</sup> *Canada (A.G.) v. Kneé*, 2011 FCA 301.

<sup>14</sup> See section 8(1)(b) of the EI Act; *Haile v. Canada (A.G.)*, 2008 FCA 193.

requirements, so he doesn't qualify for benefits. While I sympathize with the Appellant's situation, I can't change the law.<sup>15</sup>

## **Conclusion**

[30] The Appellant doesn't have enough hours to qualify for benefits.

[31] This means that the appeal is dismissed.

Paul Dusome

Member, General Division – Employment Insurance Section

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<sup>15</sup> See *Pannu v Canada (Attorney General)*, 2004 FCA 90.