



Citation: *AB v Canada Employment Insurance Commission*, 2024 SST 1704

Social Security Tribunal of Canada
General Division – Employment Insurance Section

Decision

Appellant: A. B.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission
reconsideration decision (678896) dated September 11,
2024 (issued by Service Canada)

Tribunal member: Susan Stapleton

Type of hearing: Teleconference

Hearing date: December 10, 2024

Hearing participant: Appellant

Decision date: December 17, 2024

File number: GE-24-3698

Decision

[1] The appeal is dismissed.

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

Overview

[3] The Appellant applied for EI sickness benefits, but the Canada Employment Insurance Commission (Commission) decided that he hadn't worked enough hours to qualify.

[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 1,050 hours, but he has only 812. The Commission says the Appellant needs more hours because of a serious violation on his file.¹

[6] The Appellant disagrees and says that he found more hours and provided a medical certificate. The Commission then sent him a letter saying he qualified to receive sickness benefits, but he didn't receive any payments. He was then told by the Commission that the letter was sent to him in error, and he didn't have enough hours to qualify for benefits.²

Issue

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

¹ See GD4-3.

² See GD2-4.

Analysis

[8] To qualify for benefits, you need to have worked enough hours within a certain time frame. This time frame is called the “qualifying period.”³

[9] In general, the number of hours you need to have worked depends on the unemployment rate in your region.⁴

[10] The law provides another way to qualify for special benefits, including sickness benefits. If you want special benefits, you can qualify if you have 600 or more hours.⁵

[11] The Appellant applied for sickness benefits. However, he has a serious violation on his file.⁶ If you have one or more violations in the 260 weeks before you make an application for benefits, the number of hours needed to qualify for benefits is increased.⁷ The Commission can’t take a violation into account in more than two applications for benefits.⁸ The Commission says that the Appellant had not established a new benefit period since the violation was imposed.⁹

[12] The Commission says it issued a notice of serious violation to the Appellant in the 260 weeks before he applied for benefits, on September 16, 2022.¹⁰ The Commission notified the Appellant on September 16, 2022, that he didn’t declare all of his earnings. The Commission imposed a penalty. It also issued a notice of serious violation.¹¹

[13] The Appellant doesn’t agree that he needs more hours because of a violation in 2022. He says to the best of his knowledge, he never received a letter in 2022 about a violation on his file. He says the Commission sent him a letter saying he qualified for

³ See section 7 of the *Employment Insurance Act* (Act) and section 93 of the *Employment Insurance Regulations* (Regulations).

⁴ See section 7(2)(b) of the Act and section 17 of the Regulations.

⁵ See section 93(1) of the Regulations. The hours need to be hours of insurable employment.

⁶ See GD3-19-21.

⁷ See section 7.1(1) of the Act.

⁸ See section 7.1(3) of the Act.

⁹ See GD4-4.

¹⁰ See GD4-1.

¹¹ See GD3-19-21.

sickness benefits, and then later changed its mind. He says he is the one now paying for the Commission's mistake.

[14] I find that the Appellant needs an increased number of hours to qualify for benefits. This is because he had a serious violation in the 260 weeks before he applied for benefits, and this was his first application since the serious violation.

The Appellant's region and regional rate of unemployment

[15] The Commission decided that the Appellant's region was Central Ontario, and that the regional rate of unemployment at the time was 5.7%.¹²

[16] This means that the Appellant would need to have worked at least 1,050 hours in his qualifying period to qualify for benefits.¹³

The Appellant's qualifying period

[17] 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.¹⁴

[18] 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.

[19] The Commission decided that the Appellant's qualifying period could be extended beyond the usual 52 weeks, because the Appellant had been ill. It determined that the Appellant's qualifying period went from March 20, 2022, to March 9, 2024.

[20] The Appellant didn't dispute the Commission's decision about his qualifying period.

¹² See GD3-22.

¹³ Section 7.1(1) 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 and the type of violation.

¹⁴ See section 8 of the Act.

[21] There is no evidence that makes me doubt the Commission's decision. So, I accept as fact that the Appellant's qualifying period is from March 20, 2022, to March 9, 2024.

The hours the Appellant worked

The Appellant agrees with the Commission

[22] The Commission decided that the Appellant worked 812 hours during his qualifying period.

[23] The Appellant doesn't dispute this, and there is no evidence that makes me doubt it. So, I accept it as fact.

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

[24] I find that the Appellant hasn't proven that he has enough hours to qualify for benefits, because he needs 1,050 hours, but has worked 812 hours.

[25] I acknowledge that the Commission sent the Appellant a letter that said he qualified for benefits, and then later changed its decision, because the Appellant didn't have enough hours to qualify for benefits. This has been a very frustrating process for him, and he feels he has been mistreated by the Commission. He did everything that was asked of him, and he feels he should receive EI sickness benefits.

[26] 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 requirements, so he doesn't qualify for benefits. While I sympathize with the Appellant's situation, I can't change the law.¹⁵

¹⁵ See *Pannu v Canada (Attorney General)*, 2004 FCA 90.

Conclusion

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

[28] This means that the appeal is dismissed.

Susan Stapleton

Member, General Division – Employment Insurance Section