



Citation: *TP v Canada Employment Insurance Commission*, 2025 SST 484

Social Security Tribunal of Canada
General Division – Employment Insurance Section

Decision

Appellant: T. P.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission
reconsideration decision (721611) dated March 20, 2025
(issued by Service Canada)

Tribunal member: John Rattray

Type of hearing: In person

Hearing date: April 23, 2025

Hearing participant: Appellant

Decision date: April 28, 2025

File number: GE-25-1120

Decision

[1] The appeal is dismissed.

[2] The Canada Employment Insurance Commission (Commission) correctly determined the Appellant's benefit period to be 104 weeks, from January 15, 2023, to January 11, 2025.

[3] Misinformation provided by the Commission does not allow for an extension of the Appellant's benefit period beyond January 11, 2025.

Overview

[4] The Appellant lost his employment and applied for employment insurance benefits.

[5] He received separation pay from his former employer. The Commission decided that his separation pay was earning and would be applied against his benefits from the start of his benefit period.¹

[6] The Appellant began submitting reports and received his first benefit payment beginning the week of July 1, 2024.²

[7] The Appellant spoke with the Commission about going outside of Canada due to family responsibilities. He says he was told that his benefits would not be forfeited, merely deducted, and then applied as an extension. He relied on the information he received.

[8] The Commission decided that the Appellant's benefit period had already been extended to its maximum duration of 104 weeks. It was unable to pay further benefits.

¹ See GD3-24.

² See GD2-11.

[9] The Appellant says he was given incorrect information by the Commission that led him to believe he is entitled to an extension of his benefit period to receive the deductions made for the time he was outside of Canada. He also says he is entitled to a 10-week extension based on the Commission's representations.³

[10] I must decide whether the Appellant's benefit period can be extended beyond January 11, 2025.

Issues

[11] Can the Appellant's benefit period be extended beyond January 11, 2025?

[12] Does misinformation provided by the Commission allow for a further extension?

Analysis

[13] After you apply for benefits, the Commission establishes a benefit period. A benefit period is the window of time in which you may receive benefits. Benefits can only be paid for a week of unemployment that falls within your benefit period.⁴

[14] The maximum benefit period is usually 52 weeks long but depending on a number of factors can be extended up to a maximum of 104 weeks.⁵ The reasons a benefit period can be extended include receipt of separation earnings.⁶

[15] The benefit period or window in which you can receive benefits is different from the actual entitlement of a claimant. The actual entitlement varies from case to case and depends on a number of factors.⁷

[16] A benefit period always begins on a Sunday. Specifically, the Sunday of the later of the week in which the interruption of earnings occurs and the week in which the initial

³See GD2-12.

⁴ See section 12(1) of the *Employment Insurance Act* (Act).

⁵ See section 10(2) and 10(10) to 10(15) of the Act.

⁶ See section 10(10) of the Act.

⁷ See section 12(1) of the Act. The factors include the regional rate of unemployment in a claimant's area, the dates of their qualifying period, the hours of insurable employment within their qualifying period and the maximum weeks of entitlement listed in the table in Schedule 1 of the Act.

claim for benefits is made.⁸ Once it is established, a benefit period runs for consecutive weeks.

Can the benefit period be extended beyond January 11, 2025?

[17] No, the Appellant's benefit period cannot be extended beyond January 11, 2025.

[18] The Appellant made a claim for benefits and established a benefit period effective January 15, 2023.⁹

[19] The Appellant's former employer paid the Appellant separation payments.¹⁰

[20] The Commission issued a letter dated February 27, 2023, which said that the Appellant's separation pay is considered earnings and will be allocated to his claim. It said he could renew his claim for benefits the week of July 28, 2024.¹¹

[21] The Commission later received an updated record of employment from the employer which revised the amount of separation pay the Appellant received.¹² As a result, the period of the allocation of the severance earnings was changed to January 15, 2023, to June 29, 2024.¹³

[22] The Commission calculated the maximum number of weeks of benefits that the Appellant may be paid during his benefit period as 36 weeks.¹⁴

[23] The Appellant testified that:

- Before leaving Canada to assist with some family matters, he spoke with the Commission.

⁸ See section 10(1) of the Act.

⁹ See GD3-26, GD3-31, and recording at 28:20.

¹⁰ See GD2-11, GD3-15, GD3-24, and GD3-26.

¹¹ See GD3-24.

¹² See GD3-26.

¹³ See GD4-1.

¹⁴ See GD3-17 to GD3-22 and section 12(2) of the Act.

- He was assured that his benefits would not be forfeited, merely deducted, and then applied as an extension.
- He relied on the information he received in deciding to leave Canada for various periods.
- Deductions were made from his benefits, reflecting his time outside of Canada.¹⁵
- He relied on the information given to him that he would later receive payments equal to the deductions made when he transferred money to his children for tuition.¹⁶

[24] The Appellant says that he expected his benefits to continue after January 11, 2025, but that he was unable to submit further reports. As a result, he contacted the Commission. It said that his benefits were reinstated and he now had a further 10 weeks of benefits available to him.^{17e}

[25] He says that the next day the same agent contacted him. She said the extension was withdrawn and apologized for her error.¹⁸

[26] The Commission issued a decision on February 6, 2025, stating that:¹⁹

- The allocation of separation monies extended his claim starting January 15, 2023, to January 11, 2025.
- The Appellant received the full benefit period extension allowable for separation monies.

[27] The Commission says the Appellant is entitled to an extension of his benefit period because benefits were not payable due to the allocation of his separation

¹⁵ See GD2-12.

¹⁶ See GD5-1 and GD5-2.

¹⁷ See GD2-12.

¹⁸ See GD2-12.

¹⁹ See GD3-31.

monies. Because of the length of the allocation the Appellant is entitled to the maximum extension allowed by law. This extended his benefit period 52 weeks for a total benefit period of 104 weeks.

[28] For the reasons set out above, I find the Commission has correctly determined the Appellant's benefit period as January 15, 2023, to January 11, 2025. The Appellant has received the maximum extension permitted. As a result, the Appellant's benefit period ends on January 11, 2025, and no further benefits can be paid on his claim after that date.

Does misinformation allow for a further extension?

[29] No, misinformation from the Commission doesn't allow for a further extension.

[30] I accept as credible the Appellant's evidence. I accept his evidence as credible because the Appellant testified in a clear, consistent manner about his interactions with the Commission, and provided proof of transfers made.²⁰

[31] The Appellant testified that:

- He spoke with the Commission to understand his rights and obligations.
- He understood that he would receive payments equivalent to the deductions made from his benefits for the periods he was outside of Canada.
- He relied on the advice given.
- He made financial decisions based on that advice.

[32] In addition, the Appellant testified about the significant adverse impact of misinformation being given to vulnerable claimants who have lost their employment. He says it is very challenging to obtain accurate and appropriate information from the

²⁰ See GD5-1 and GD5-2.

Service Canada website. He says that he did everything he could to confirm his entitlements but was still given incorrect information.

[33] Unfortunately for the Appellant, the fact that the Commission gave incorrect or incomplete information about his claim doesn't mean that he can receive benefits past January 11, 2025. The Commission must follow the law, even if it gave incorrect information to the Appellant.²¹ The Appellant can only be paid benefits if the law allows it.²²

[34] Similarly, I am restrained from rewriting the legislation or interpreting it in a manner contrary to its plain meaning.²³ The legislation does not provide for discretion regardless of individual circumstances.²⁴

[35] However, there is no legislative impediment to the Commission assessing and taking steps to improve the quality of the information available to claimants.

[36] This means that the Appellant can only collect benefits during his benefit period. His benefit period ended on January 11, 2025. It cannot be extended past this date as his benefit period has already been extended to 104 weeks. This is the maximum benefit period allowed by law.

Conclusion

[37] The appeal is dismissed.

John Rattray

Member, General Division – Employment Insurance Section

²¹ In *Granger v. Canada Employment Insurance Commission*, A-684-85, the Federal Court of Appeal explained that Commission agents do not have the power to amend the law. An individual Commission agent cannot promise to pay benefits in a way that is contrary to the law.

²² The Federal Court of Appeal explained in *Canada (Attorney General) v. Shaw*, 2002 FCA 325, that misinformation from the Commission does not give a claimant relief from the provisions of the Act.

²³ See *Canada (Attorney General) v. Knee*, 2011 FCA 301.

²⁴ See *Canada (Attorney General) v. Levesque*, 2001 FCA 304.