



[TRANSLATION]

Citation: *MN v Canada Employment Insurance Commission*, 2025 SST 879

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

Decision

Appellant: M. N.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission
reconsideration decision (739844) dated June 9, 2025
(issued by Service Canada)

Tribunal member: Jean Yves Bastien

Type of hearing: In person

Hearing date: August 7, 2025

Hearing participants: Appellant

Decision date: August 12, 2025

File number: GE-25-2073

Decision

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

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

Overview

[3] The Claimant worked as a bartender and sold telecommunications services in the greater Montreal region. He said that old knee problems now prevented him from repetitive movements and standing for long periods.

[4] The Claimant left his door-to-door sales job on November 8, 2024. He applied for EI sickness benefits on December 29, 2024. But the Canada Employment Insurance Commission (Commission) decided that the Claimant hadn't worked enough hours to qualify.¹

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

[6] The Commission says that the Claimant doesn't have enough hours because he needs 665 hours, but has only 627.

[7] The Claimant disagrees. He says that he is only 38 hours short. He asks the Tribunal to consider his exceptional circumstances, namely his knee limitations and the fact that he was studying full-time to increase his job prospects.

[8] The Claimant says that he worked as much as his physical condition allowed and that he has made every effort to return to work.²

¹ 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."

² See the Claimant's notice of appeal to the Tribunal at GD2-5.

Tribunal's jurisdiction

[9] The Tribunal can only decide issues that fall under the *Employment Insurance Act* (EI Act).

[10] Section 112 of the EI Act says that a claimant can ask the Commission to reconsider its decision. If the claimant is dissatisfied with the reconsideration decision, they can appeal that decision to this Tribunal under section 113.

[11] This means that I can only consider the issue that was the subject of the reconsideration request.

[12] In this case, that issue is about how many insurable hours are required.³ So, the only issue I can consider is whether the Claimant has enough insurable hours to qualify for benefits.

[13] The EI Act is very strict. Section 7(2)(b) tells us that an insured person qualifies if, during their qualifying period, they had at least the number of hours of insurable employment set out in the law based on the regional rate of unemployment that applies to them.

[14] The Federal Court of Appeal says that section 7(2) of the EI Act doesn't allow for any discrepancy or give any discretion as to the number of hours required.⁴

[15] The Tribunal's Appeal Division has already addressed what the Court says. It said that the Tribunal can't change or ignore the minimum number of insurable hours required or exempt anyone from it.⁵ While I am not bound by Tribunal decisions, they are helpful in guiding me.

³ See the Claimant's reconsideration request at GD3-35.

⁴ See *Canada (Attorney General) v Lévesque*, 2001 FCA 304.

⁵ See *RL v Canada Employment Insurance Commission*, 2016 SSTADEI 491.

[16] Case law also tells us that “the requirement for [hours] will also be demanded of claimants who were unable to gather the requisite number of hours through no fault of their own.”⁶

[17] While I sympathize with the Claimant, the law only allows me to decide whether he has worked the required number of insurable hours. In other words, I can’t consider any exceptional circumstances that might explain why he didn’t meet the minimum number of hours of required.

Issue

[18] Has the Claimant worked enough hours to qualify for EI benefits?

Analysis

How to qualify for benefits

[19] Not everyone who stops work can receive EI benefits. You have to prove that you qualify for benefits.⁷ The Claimant 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.

[20] To qualify, you need to have worked enough hours within a certain timeframe. This timeframe is called the “qualifying period.”⁸

[21] The number of hours depends on the unemployment rate in your region.⁹

The Claimant’s region and regional rate of unemployment

[22] The Commission decided that the Claimant’s region was Montreal and that the regional rate of unemployment at the time was 6.8%.¹⁰

⁶ See CUB 18087.

⁷ See section 48 of the EI Act.

⁸ See section 7 of the EI Act.

⁹ See section 7(2)(b) of the EI Act and section 17 of the *Employment Insurance Regulations*.

¹⁰ See GD3-30 and GD3-31.

[23] This means that the Claimant would need to have worked at least 665 hours in his qualifying period to qualify for EI benefits.¹¹

- **The Claimant agrees with the Commission**

[24] The Claimant agrees with the Commission's decisions about which region and regional rate of unemployment apply to him.

[25] There is no evidence that makes me doubt the Commission's decision. So, I accept as fact that the Claimant needs to have worked 665 hours to qualify for benefits.

The Claimant's qualifying period

[26] As noted above, the hours counted are the ones that the Claimant worked during his qualifying period. In general, the qualifying period is the 52 weeks before your benefit period would start.¹²

[27] 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.

[28] The Commission decided that the Claimant's qualifying period was the usual 52 weeks. It determined that the Claimant's qualifying period went from November 12, 2023, to November 9, 2024. The Claimant agrees with the Commission.

- **The Claimant agrees with the Commission**

[29] The Claimant agrees with the Commission's decision about his qualifying period.

[30] There is no evidence that makes me doubt the Commission's decision. So, I accept as fact that the Claimant's qualifying period is from November 12, 2023, to November 9, 2024.

¹¹ 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. See also GD3-31.

¹² See section 8 of the EI Act.

The hours the Claimant worked

- The Claimant agrees with the Commission

[31] The Commission found that the Claimant had worked 627 hours during his qualifying period.

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

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

[33] I find that the Claimant hasn't proven that he has enough hours to qualify for benefits because he needs 665 hours, but has worked 627.

[34] EI is an insurance plan and, like other insurance plans, you have to meet certain requirements to receive benefits.

[35] I found the Claimant very credible and forthright. But, in this case, the Claimant simply doesn't meet the requirements. So, he doesn't qualify for benefits. While I sympathize with the Claimant's situation, I can't change the law.¹³

Conclusion

[36] Unfortunately, the Claimant doesn't have enough hours to qualify for benefits.

[37] This means that the appeal is dismissed.

Jean Yves Bastien

Member, General Division – Employment Insurance Section

¹³ See *Pannu v Canada (Attorney General)*, 2004 FCA 90.