



Citation: *IS v Canada Employment Insurance Commission*, 2025 SST 698

Social Security Tribunal of Canada
General Division – Employment Insurance Section

Decision

Appellant: I. S.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission
reconsideration decision (722480) dated March 24, 2025
(issued by Service Canada)

Tribunal member: Edward Houlihan

Type of hearing: Videoconference

Hearing date: May 12, 2025

Hearing participant: Appellant

Decision date: May 20 2025

File number: GE-25-1345

Decision

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

[2] The Commission has shown that the Appellant was paid the correct number of weeks of Employment Insurance (EI) benefits at the appropriate benefit rate.

Overview

[3] The Appellant lost his job on September 26, 2024. He applied for benefits on October 4, 2024. He had a previous benefit period that began October 22, 2023.

[4] His previous benefit period was renewed, and he was paid benefits from September 22, 2024, to October 19, 2024.

[5] A new benefit period was then established beginning October 20, 2024.

[6] The Canada Employment Insurance Commission (Commission) decided that the Appellant was entitled to 15 weeks of regular benefits based on the number of insurable hours he had worked and the regional rate of employment.

[7] The Appellant doesn't disagree with the number of insurable hours he had worked or with the regional rate of employment where he lives.

[8] The Appellant says that his benefit period should be longer. He thought it would last between 36 and 48 weeks. He says that he is experiencing significant financial stress and asks that he continue to receive benefits until July 2025 on humanitarian grounds.

[9] He says that the Tribunal should consider the government's intention to support Canadian workers impacted by the current economic uncertainty. He also says that there are precedents that allow the Tribunal to extend his benefit period on the basis of undue hardship.

[10] I have to decide whether the Appellant has established, on the balance of probabilities, that he is eligible to receive more than 15 weeks of regular benefits.

Matter I have to consider first

The Appellant submitted a document after the hearing

[11] The Appellant had prepared a detailed presentation for his videoconference hearing. He also referenced a number of cases during the hearing that he believed were important to his case.

[12] I gave the Appellant the opportunity to submit the notes of his presentation after the hearing. This was to help me understand his arguments more fully and allow me to note the cases to which he had referred.

[13] He had until the end of the week to submit his notes. He submitted them on time, and they form part of the Appeal Record.¹

Issue

[14] Is the Appellant eligible to receive more than 15 weeks of benefits?

Analysis

How to qualify for benefits

[15] Not everyone who stops work can receive EI benefits. You have to prove that you qualify for benefits.² 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.

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

¹ See GD-5

² See section 48 of the Act.

³ See section 7 of the Act and section 93 of the Regulations.

[17] In general, the number of hours depends on the unemployment rate in your region.⁴

The Appellant's qualifying period

[18] As noted above, the hours counted are the ones the Appellant worked during his qualifying period. In general, the qualifying period is the 52 weeks before your benefit period would start.⁵

[19] Your **benefit period** isn't the same thing as your **qualifying period**. It is a different time frame. Your benefit period is the time when you can receive EI benefits.

[20] The Commission decided that the Appellant's qualifying period was the usual 52 weeks even though the Appellant had an earlier benefit period that started on October 22, 2023.

[21] Your current qualifying period can't overlap with an earlier qualifying period. The Appellant's qualifying period would overlap with his earlier qualifying period if it went back to a time before October 22, 2023.

[22] So, the Commission decided that the Appellant's qualifying period was from October 23, 2023, to October 19, 2024.

[23] When he applied for benefits on October 4, 2024, his previous benefit period was renewed and he was then paid benefits from September 22, 2024, to October 19, 2024.

[24] The Appellant established a new benefit period beginning October 20, 2024.

– The Appellant agrees with the Commission

[25] The Appellant agrees with the Commission's decision about his qualifying period.

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

⁵ See section 8 of the Act.

[26] 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 October 23, 2023, to October 19, 2024.

The hours the Appellant worked

– The Appellant agrees with the Commission

[27] The Commission decided that the Appellant had worked 698 hours during his qualifying period.

[28] In his evidence the Appellant says that he only worked at the one job during this period, and he was there from May 21, 2024, to September 10, 2024.⁶

[29] The Appellant doesn't dispute the hours he worked, and there is no evidence that makes me doubt it. So, I accept it as fact.

The Appellant worked enough hours to qualify for benefits?

[30] The Appellant lived in the Ottawa region throughout the qualifying period and when he established his claim.

[31] The regional rate of unemployment for the Ottawa region was 6.1% when the Appellant's benefit period was established⁷.

[32] The Commission decided that the Appellant was entitled to 15 weeks of benefits in accordance with the Act.⁸

The Appellant wants his benefits extended

[33] The Appellant has asked that his benefits be extended to July 2025. He says that his benefits should be extended on the basis of financial need. He says that the Tribunal has the ability to show flexibility in extending benefit period in times of economic downturn.

⁶ See GD3-16

⁷ See GD3--24

⁸ See Section 12(2) and Schedule 1 of the *Employment Insurance Act*

[34] He also says that the Commission failed to consider the government's new policy adjustments to employment insurance in deciding that he was entitled to 15 weeks of benefits.

[35] I will look at these issues separately, starting with the issue of financial need and flexibility.

– **Financial need and flexibility to extend benefit periods**

[36] The Appellant says that he thought he would be entitled to 36 to 48 weeks of benefits. When he was told that he was only eligible for 15 weeks of benefits he says that he lost crucial financial support.

[37] He says that the limited number of weeks of benefits have caused him significant hardship. He has had to rely on personal loans and credit cards to meet basic needs.

[38] The Appellant asks that his benefits be extended until July 25 on humanitarian grounds.⁹

[39] The Appellant says that the Tribunal has the flexibility to extend benefit periods in times of economic downturn, like the current situation.

[40] In support of this position, he refers to 2 Social Security Tribunal General Division decisions, *SA v CEIC*¹⁰ and *RL v CEIC*¹¹.

[41] I find that his benefit period can't be extended on the basis of financial need.

[42] The cases of the Social Security Tribunal can be persuasive and assist in making my decision, but they aren't binding on me. Also, the cases the Appellant has referred to don't support his position.

⁹ See GD2-10

¹⁰ See *SA v Canada Employment Insurance Commission*, 2022 SST 1212

¹¹ See *RL v Canada Employment Insurance Commission*, 2023 SST 2056

[43] The case of SA v CEIC was a situation where an Appellant had been denied benefits because the Commission decided that they had lost their job due to their own misconduct.

[44] The Appellant was late in filing an appeal of the decision by the General Division to the Appeal Division. They requested an extension of time to file the appeal, which was granted by the Appeal Division.

[45] This case is not applicable to the Appellant's situation. This was not an extension of a benefit period by the Social Security Tribunal.

[46] The second case, RL v CEIC, dealt with a situation where the General Division found that a section of the Act (section 153.17) enacted by the government to deal with the impacts of the Covid pandemic were discriminatory and contrary to the *Canadian Charter of Rights and Freedoms* (Charter).

[47] The General Division found that the provision had a discriminatory impact on women who claimed both regular and special benefits during the pandemic. As such it violated the Charter.

[48] This decision was appealed to the Appeal Division who decided that benefits weren't payable at that time.¹²

[49] This case too is not applicable to the Appellant's situation. It doesn't show that the Tribunal can extend the benefit period of an Appellant on the basis of financial need or humanitarian grounds.

[50] The cases say that employment insurance is like any other insurance plan. You must meet the conditions of the plan to be eligible to receive benefits.¹³

[51] Financial needs or financial stress is not a factor in determining eligibility for benefits.

¹² See SST 2024 609

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

[52] The cases are clear that however tempting it may be to address what seems to be a harsh result, the Tribunal is not permitted to change the legislation or interpret it in a manner that is contrary to its plain meaning.¹⁴

– **Government measures**

[53] The Appellant says that the Commission failed to consider policy changes announced by the Minister of Jobs and Families on March 7, 2025.

[54] The measures included artificially boosting unemployment rates used to determine access to and duration of benefits; allowing claimants to receive benefits sooner and waiving the benefit period.¹⁵

[55] The Appellant says that these temporary measures show that the rules for EI benefits can be adjusted. The changes announced support extending benefit periods and the changes contradict the rigid application of the rules by the Commission.

[56] The Appellant also says that the Commission should have considered these changes as well as the serious economic conditions facing claimants and extended his benefit period.¹⁶

[57] I find that the “Temporary Employment Insurance measures to respond to major changes in economic conditions” (Measures) implemented April 1, 2025, don’t apply to the Appellant.

[58] The Measures set out the dates applicable to the changes. The waiting period to start receiving benefits is waived for claims starting between March 30, 2025, and October 11, 2025.¹⁷

¹⁴ See *Canada (Attorney General) v Knee*, 2011 FCA 301

¹⁵ See GD5-3

¹⁶ See GD5-4

¹⁷ See Government of Canada – Employment Insurance Benefits - *Temporary Employment Insurance measures to respond to major changes in economic conditions*

[59] The change to allocation of separation earnings and the adjustment of the unemployment rates in certain regions apply to claims starting between April 6, 2025, and July 12, 2025.¹⁸

[60] As mentioned earlier, the Appellant applied for regular benefits on October 4, 2024. A subsequent benefit period was established October 20, 2024, and he was paid 15 weeks of benefits.

[61] The Appellant's claim was started, and his benefits were paid before the effective date of the Measures.

– Cases

[62] The Appellant says that because the government implemented temporary measures, the Commission should have demonstrated flexibility in his case by extending his benefit period to July 2025, as he requested.¹⁹

[63] The Appellant also refers to cases that he says supports the concept of that the benefit period can be extended by the Commission and the Social Security Tribunal when warranted.²⁰

[64] He refers to the *Puig* case.²¹ This case dealt with an individual who had received benefits and was later found to be ineligible. The court explained that the Commission has broad powers to write off debts under the law.²² One of the issues that they can consider is financial hardship.

[65] This case is not applicable to the Appellant's case. He is asking to extend his benefit period on the basis of financial need, not write off an outstanding debt.

¹⁸ See Government of Canada – Employment Insurance Benefits - above

¹⁹ See GD5-5

²⁰ See GD5-6 to GD5-8

²¹ See *Puig v Canada (Attorney General)*, 2024 FCA 48

²² See Section 43 of the Act

[66] The Appellant refers to a case called *Jove v. Canada* where he says that a claimant was given an extension to his benefit period.²³

[67] I believe the Appellant is referring to the case *Jove v Canada (Unemployment Insurance)*²⁴ This case involved a claimant who had opened a claim and received benefits. Later he returned to work and was injured. When the claimant was able to return to work, there was no work for him, so he asked that his original benefit period be extended.

[68] A section of the *Unemployment Insurance Act*²⁵ (U I Act) at that time prevented him from receiving based on availability for work while receiving worker's compensation benefits.

[69] The court ruled here and in another case that the section of the UI Act that prevented him from receiving benefits was misinterpreted and he was eligible for benefits.²⁶

[70] This case is not applicable here. The Appellant didn't interrupt his benefit period requiring an extension of his benefit period. Also, the decision doesn't say that the benefit period can be extended on the basis of financial need.

[71] The Appellant also refers to several cases that he says show that the Appellants were granted extensions of their benefit periods.²⁷

[72] The *LC* case²⁸ deals with entitlement to benefits following parental leave and then encountering job loss afterwards. The Social Security Appeal Division found that the provisions of the Act weren't contrary to the Charter.

[73] This case is clearly inapplicable to the Appellant's situation.

²³ See GD5-7

²⁴ See *Jove v Canada (Unemployment Insurance)*, 1988 CanLII 49 SCC, [1988] 2 SCR 53

²⁵ See *Unemployment Insurance Act*, 1971, S.C. 1970-71-72, c. 48 ss.20(7)(b)

²⁶ See *Canada (CEIC) v Gagnon*, 1988 CanLII 48 (SCC), [1988] 2SCR 29

²⁷ See GD5-7

²⁸ See *LC et al v Canada Employment Insurance Commission* 2022 SST, 8

[74] The Appellant says that a case *TB v Canada Employment Insurance Commission*, shows that a benefit period can be extended if severance pay was not properly allocated.²⁹

[75] The Appellant wasn't able to provide a better citation for the case. There are 31 possible cases in the Social Security Tribunal of Canada data base.

[76] However, this is clearly not the Appellant's situation here. There is no issue that he received severance pay from his previous employer and there was no allocation of severance pay by the Commission.

[77] The final case referred to by the Appellant was *T-Georgis*³⁰ He says that it shows economic distress is a valid reason to reconsider EI decisions.³¹

[78] In the *T-Georgis* case a claimant appealed a decision that they were disentitled to benefits while attending school full time.

[79] In the decision, the court doesn't say that economic distress is a valid reason to reconsider Ei decisions. It does say that the Commission has the authority under the Act to consider writing off an amount payable if repayment would result in undue hardship to a claimant.³²

[80] The Appellant hasn't provided any cases that support his position that the Commission or the Social Security Tribunal has the flexibility to extend his benefit period to July 2025.

[81] The Appellant hasn't shown that he is eligible for more than the 15 weeks of benefits that he has received.

²⁹ See GD5-8

³⁰ See *T-Georgis v Canada (Attorney General)*, 2024 FCA 47 CanLII

³¹ See GD5-8

³² See *T-Georgis* above – par 68

Conclusion

[82] The Appellant isn't eligible for more than the 15 weeks of benefits that he has received.

[83] This means that the appeal is dismissed.

Edward Houlihan

Member, General Division – Employment Insurance Section