



Citation: *AE v Canada Employment Insurance Commission*, 2025 SST 1066

Social Security Tribunal of Canada
General Division – Employment Insurance Section

Decision

Appellant: A. E.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission
reconsideration decision (700362) dated December 27,
2024 (issued by Service Canada)

Tribunal member: Ranjit Dhaliwal

Type of hearing: In person

Hearing date: June 12, 2025

Hearing participant: Appellant

Decision date: July 11, 2025

File number: GE-25-1391

Decision

[1] The appeal is dismissed. I don't agree with the Appellant.

[2] The Appellant can't get more than 15 weeks of Employment Insurance (EI) benefits. The law sets this limit because he only has 692 hours in his qualifying period and the unemployment rate in his area was 6.2%.

Overview

[3] The Appellant applied for EI benefits.

[4] At first, the Commission refused to antedate his claim. Later, after an appeal to the Tribunal, his claim was antedated to start on December 18, 2022.

[5] The Appellant says he should get more than 15 weeks of benefits because he worked over 700 hours. He believes the Commission miscalculated his hours.

[6] The Commission says it checked the Appellant's pay stubs and employer information. The Commission says he only has 692 insurable hours in his qualifying period. So, he can only get 15 weeks of benefits.

Issue

[7] Can the Appellant get more than 15 weeks of EI benefits?

Analysis

[8] The number of benefit weeks someone gets depends on two things:

- a) How many insurable hours they worked in their qualifying period; and
- b) The unemployment rate in their region.¹

¹ Section 12(2) of the *Employment Insurance Act* (Act)

[9] The qualifying period is the 52 weeks before the benefit period starts.²

[10] The Appellant's benefit period started on December 18, 2022. That means his qualifying period runs from December 19, 2021, to December 17, 2022.

[11] Here is a simple chart showing why December 18, 2021, is outside the qualifying period and any hours before December 19, 2021, don't count:

<u>Date</u>	<u>Event</u>
December 18, 2021	Appellant worked 7.18 hours
December 19, 2021	Start of qualifying period- 52 weeks exactly before December 18, 2022
December 17, 2022	End of qualifying period
December 18, 2022	Start of benefit period

[12] Each week has 7 consecutive days. The Act says we need to count back 52 weeks for the qualifying period. 52 weeks multiplied by 7 days is 364 days. This calculation applied to the Appellants qualifying period confirms December 18, 2021, is outside the qualifying period.

The Appellant's hours

[13] The Commission looked at the Appellant's employment history and documents. Here's what the numbers show:

- a) The Appellant worked 656 hours for 3557944 Canada Inc. between January 31, 2022, and December 16, 2022;³

² Section 8(1) of the Act.

³ See GD3-17 to GD3-18.

- b) There were missing pay periods. The Commission added 42.62 hours from December 18, 2021, to January 16, 2022;⁴
- c) The total was 699 hours.

[14] The Commission then subtracted 7.18 hours because they were worked on December 18, 2021, which falls outside the qualifying period, which gives the Appellant 692 hours.

[15] The appellant believes he worked 700 hours or more. If the Appellant worked 700 hours, he would be entitled to 1 more week of benefits.

[16] He says that his paystubs and clock-in receipts prove that he has 700 hours or more.

[17] He also believes that the employer didn't include some statutory holiday pay or overtime pay.

[18] I looked at all the documents and numbers in the appeal record. I checked if vacation pay or statutory holiday pay could add insurable hours. But vacation pay alone doesn't count as insurable hours unless the time was actually taken as leave.

[19] I agree with the Commission. The Appellant can't count the hours he worked on December 18, 2021, because they fall outside the qualifying period.

[20] I can't find any evidence to support that the Appellant meets the criteria to extend his qualifying period.⁵

[21] Even though the Commission initially calculated 699 hours, they correctly removed the 7.18 hours. So, the Appellant has only 692 hours in his qualifying period.

⁴ See GD3-46.

⁵ See Section 8(2) of the Act. The reasons to extend a qualifying period are; if the Appellant was unable to work due to illness or injury during his qualifying period, was being held in jail and found not guilty for the offence he was being held for, or was receiving assistance under an employment benefit program.

[22] The unemployment rate was 6.2% in his region when his benefit period started. According to Schedule I of the Employment Insurance Act, 692 hours equals 15 weeks of benefits.

[23] Unfortunately, I can't look at hours outside the qualifying period, the law doesn't give me that discretion.⁶

Conclusion

[24] The appeal is dismissed.

[25] The Appellant can't get more than 15 weeks of EI benefits. His qualifying period only has 692 insurable hours, and the unemployment rate was 6.2%.

Ranjit Dhaliwal

Member, General Division – Employment Insurance Section

⁶ *Haile v. Canada (Attorney General)* 2008 FCA 193.