



Citation: *AE v Canada Employment Insurance Commission*, 2025 SST 1065

Social Security Tribunal of Canada Appeal Division

Decision

Appellant: A. E.

Respondent: Canada Employment Insurance Commission
Representative: Adam Forsyth

Decision under appeal: General Division decision dated July 11, 2025
(GE-25-1391)

Tribunal member: Glenn Betteridge

Decision date: October 1, 2025

File number: AD-25-582

Decision

[1] The appeal is allowed by agreement of A. E. and the Canada Employment Insurance Commission, which I have accepted.

[2] The case goes back to the General Division to reconsider.

Background

[3] A. E. is the Claimant.

[4] The Claimant and the Canada Employment Insurance Commission (together, the Parties) disagreed on the number of insurable hours he worked in his qualifying period. I'll call this "insurable hours."

[5] The Commission didn't ask the Canada Revenue Agency (CRA) for a ruling about his insurable hours.

[6] The General Division dismissed the Claimant's appeal. It looked at the evidence and decided he worked 692 insurable hours. This meant he was only entitled to 15 weeks of benefits, which the Commission had paid him.

[7] I gave the Claimant permission to appeal.

The parties agree on the outcome of the appeal

[8] On October 1, 2025, I held a case conference that turned into a settlement conference. The Parties agreed to settle the appeal on these terms:

- The General Division made a jurisdictional error by deciding the Claimant's insurable hours—even though the Parties disagreed on this and sections 90 and 90.1 of the *Employment Insurance Act* (EI Act) give the CRA the exclusive power to decide insurable hours.¹

¹ This error, known as a "ground of appeal," is listed in section 58(1)(a) of the *Department of Employment and Social Development Act* (DESD Act).

- The Appeal Division should fix that error by sending the case back to the General Division to reconsider.

I accept the agreement because the law and evidence support it

[9] When the Parties disagree about insurable hours, the Commission usually asks the CRA for a ruling.² Or the General Division can ask the Commission to get a CRA ruling.³

[10] Unfortunately, in this case the Commission didn't get a CRA ruling.

[11] But that didn't give the General Division the power to decide the Claimant's insurable hours. The law gives the CRA the exclusive authority to do that when the Commission and a claimant disagree.⁴

[12] So, the General Division decided an issue it had no power to decide when it found the Claimant had 692 insurable hours. In other words, it made a jurisdictional error.

[13] To fix this error, I'm sending the Claimant's case back to the General Division to reconsider.

Next steps

[14] The Claimant wants to send new evidence and a written explanation about his insurable hours. When the General Division opens a new file, he can send that information to the Tribunal. The Commission said he can also upload that information to his My Service Canada account.

[15] The Commission said it would wait for the Claimant's new evidence and explanation before asking the CRA for a ruling. Then the Commission will send the CRA

² See section 90(1)(d) of the *Employment Insurance Act* (EI Act).

³ The General Division can ask the Commission to "investigate and report" on any question related to a benefits claim, under section 53 of the *Social Security Tribunal Rules of Procedure*.

⁴ See section 64(3) of DESD Act and sections 90 and 90.1 of the EI Act.

that new evidence, the written explanation, and the earnings-related evidence from General Division file GE-25-1391.

Conclusion

[16] I'm allowing the Claimant's appeal based on the Parties' agreement. I'm sending the case back to the General Division to reconsider.

[17] I want to thank the Parties for agreeing to settle this appeal.

Glenn Betteridge
Member, Appeal Division