



Citation: *JF v Canada Employment Insurance Commission*, 2025 SST 1173

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

## Decision

**Appellant:** J. F.

**Respondent:** Canada Employment Insurance Commission

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**Decision under appeal:** Canada Employment Insurance Commission  
reconsideration decision (739505) dated August 1, 2025  
(issued by Service Canada)

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**Tribunal member:** Audrey Mitchell

**Type of hearing:** In writing

**Decision date:** September 2, 2025

**File number:** GE-25-2383

## Decision

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

[2] The Appellant hasn't shown that he had good cause for the delay in claiming Employment Insurance (EI) benefits. In other words, the Appellant hasn't given an explanation that the law accepts. This means that the Appellant's claims can't be treated as though they were made earlier.

## Overview

[3] In general, to receive EI benefits, you have to make a claim for each week that you didn't work and want to receive benefits.<sup>1</sup> You make claims by submitting reports to the Canada Employment Insurance Commission (Commission) every two weeks. Usually, you make your claims online. There are deadlines for making claims.<sup>2</sup>

[4] The Appellant didn't make any claims before asking for them to be backdated. He wants them to be treated as though they were made earlier, on July 15, 2023.

[5] For this to happen, the Appellant has to prove that he had good cause for the delay.

[6] The Commission decided that the Appellant didn't have good cause and refused the Appellant's request. The Commission says the Appellant doesn't have good cause because his delay in making claims for benefits resulted from his assumptions and inaction.

[7] The Appellant disagrees and says the Commission incorrectly assumed his failure to report was a matter of neglect. He says the delay in making claims resulted from a medical condition that impaired his cognitive function, misinformation from his employer, and his belief that he wasn't eligible for benefits.

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<sup>1</sup> See section 49 of the *Employment Insurance Act* (EI Act).

<sup>2</sup> See section 26 of the *Employment Insurance Regulations*.

## Issue

[8] Did the Appellant have good cause for the delay in claiming EI benefits?

## Analysis

[9] The Appellant wants his claims for EI benefits to be treated as though they were made earlier, on July 15, 2023. This is called antedating (or, backdating) the claims.

[10] To get a claim antedated, the Appellant has to prove that he had good cause for the delay during the entire period of the delay.<sup>3</sup> 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 had good cause for the delay.

[11] And, to show good cause, the Appellant has to prove that he acted as a reasonable and prudent person would have acted in similar circumstances.<sup>4</sup> In other words, he has to show that he acted reasonably and carefully just as anyone else would have if they were in a similar situation.

[12] The Appellant also has to show that he took reasonably prompt steps to understand his entitlement to benefits and obligations under the law.<sup>5</sup> This means that the Appellant has to show that he tried to learn about his rights and responsibilities as soon as possible and as best he could. If the Appellant didn't take these steps, then he must show that there were exceptional circumstances that explain why he didn't do so.<sup>6</sup>

[13] The Appellant has to show that he acted this way for the entire period of the delay.<sup>7</sup> That period is from the day he wants his claim antedated to until the day he actually made the claim. But in this case, the Appellant never made any claims for

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<sup>3</sup> See *Paquette v Canada (Attorney General)*, 2006 FCA 309; and section 10(5) of the EI Act.

<sup>4</sup> See *Canada (Attorney General) v Burke*, 2012 FCA 139.

<sup>5</sup> See *Canada (Attorney General) v Somwaru*, 2010 FCA 336; and *Canada (Attorney General) v Kaler*, 2011 FCA 266.

<sup>6</sup> See *Canada (Attorney General) v Somwaru*, 2010 FCA 336; and *Canada (Attorney General) v Kaler*, 2011 FCA 266.

<sup>7</sup> See *Canada (Attorney General) v Burke*, 2012 FCA 139.

benefits. So, for the Appellant, the period of the delay is from July 15, 2023, to April 28, 2025, the day he asked to backdate his claims.

[14] The Appellant says he had good cause for the delay because it was caused by his medical condition that impaired his cognitive function, misinformation from his employer, and his belief that he wasn't eligible for benefits.

[15] The Commission says that the Appellant hasn't shown good cause for the delay because of his assumptions and inaction.

[16] I find that the Appellant hasn't proven that he had good cause for the delay in applying for benefits because I don't find he did what a reasonable and prudent person in a similar situation would have done to verify his eligibility for EI benefits and what he needed to do to get them.

[17] The Appellant applied for EI benefits after he lost his job. In his application for benefits, he listed two former employers. He listed the last day worked for one employer as March 18, 2023, and the last day worked for the other employer as July 18, 2023.

[18] The Commission included a screenshot of the Appellant's claim in its reconsideration file.<sup>8</sup> It shows that the Appellant was entitled to 15 weeks of benefits but was paid zero weeks of benefits. The screenshot shows that a report was to be received on July 16, 2023, and the last renewable week was July 7, 2024.

[19] Although he applied for benefits, the Appellant didn't make any bi-weekly claims for benefits. On April 28, 2025, he asked to have his claims backdated to July 15, 2023. According to the Commission's notes, he said the reason he didn't claim benefits is that he didn't know that he could get benefits at the time. He said he wanted to get benefits for the period he was off work from July 15 to August 21, 2023.

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<sup>8</sup> See page GD3-18.

[20] The Appellant wrote a letter to Service Canada dated April 22, 2025.<sup>9</sup> In it, he refers to the considerable delay in submitting his application. But the Appellant had actually submitted his application in a timely way.

[21] In the letter, the Appellant said that misinformation from his employer led to his “misunderstanding and pursuit of [his] entitlements” under the law. He added that he didn’t know that applying for benefits was an option available to him. Again, as noted above, the Appellant did apply for benefits; he just didn’t follow through with making claims to get the benefits he was entitled to.

[22] The application for benefits has information for claimants about what will happen after completing an application for benefits. There is information about completing bi-weekly reports, specifically that if you have applied for benefits, you have to start completing bi-weekly reports as soon as you get your access code.

[23] After the Commission denied the Appellant’s request to antedate his claims for benefits, he asked for reconsideration. The Appellant wrote about his “severe lack of phone service and internet access due to financial hardship”. He said that his ability to claim benefits was affected by this situation.

[24] The Appellant told the Commission that based on what his employer told him, he thought he wasn’t eligible for EI benefits. He said this is why he didn’t do reports to claim benefits. Then in 2025, a friend told him that he could get benefits.

[25] I am not persuaded by the Appellant’s statements that his employer misled him into believing that he wasn’t eligible to get EI benefits. The Appellant sent the Commission a copy of the employer’s letter terminating his employment.<sup>10</sup> There is nothing in the letter about eligibility for EI benefits. But the employer did state that the Appellant’s record of employment would be sent electronically to Service Canada. And five days later, the Appellant applied for EI benefits. My finding is supported by the

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<sup>9</sup> See pages GD3-21 and GD3-22.

<sup>10</sup> See page GD3-38.

Commission's notes that say the Appellant said his employer didn't specifically tell him he wasn't eligible for EI benefits.

[26] I don't find it reasonable that the Appellant would apply for benefits, thinking that he wasn't eligible for them. And if he had any questions, he could have contacted Service Canada, by phone or in-person to ask if his dismissal might affect his eligibility for benefits. I find that this is what a reasonable and prudent person would have done. And since the Appellant admitted to the Commission that this was not his first claim for benefits, I find that this is even more so the case.

[27] According to the Commission's notes, the Appellant said he didn't contact or go to Service Canada between 2023 and 2025. He said he was overwhelmed after losing his job. But he says differently in his notice of appeal, namely that he had repeated failed login attempts due to lost access to his phone number and bank account, long wait times and disconnection when calling Service Canada, and lack of proper ID during in-person visits.

[28] I give more weight to the Appellant's statements to the Commission about contact with Service Canada than to what he said in his notice of appeal. I found his statements in his notice of appeal are general and lacking in detail. So, I find them self-serving.

[29] In his notice of appeal, the Appellant referred to his mental health challenges, which were compounded by homelessness and financial distress. He said that if he wasn't dealing with these issues, he would not have "exhibited avoidance behaviour and emotional paralysis that prevented [him] from questioning [his] employer or navigating a complex bureaucratic process".

[30] The Appellant didn't submit any medical documents confirming a mental health diagnosis. But even accepting his statements that he faced mental health challenges, I don't have enough information from the Appellant, aside from his statement, to conclude that this prevented him from making claims for benefits. Again, the Appellant was able to apply for benefits in a timely way.

[31] I note that the Appellant refers to journal entries from “Q3 2023 through Q4 2024” that describe emotional exhaustion, self-doubt, and cognitive fog. He says this started during the relevant antedate period. The Appellant also said that the Commission’s suggestion that his proactive behaviour such as job searching contradicted his claim of emotional paralysis misunderstood that mental health impairments are often task specific. He referred to navigating the emotionally triggering bureaucratic systems like the EI program.

[32] The Appellant attached a document to his notice of appeal that appears to be excerpts from notes taken from counselling sessions the Appellant attended.<sup>11</sup> I don’t give the document a lot of weight because it doesn’t identify who originated the notes or what the author’s conclusions are. The notes also appear to be incomplete.

[33] Despite the above, I accept that the Appellant was affected mentally by the loss of several jobs over time. But again, even accepting this, the Appellant applied for benefits shortly after losing his job in July 2023. So, I’m not satisfied that applying for and claiming benefits were triggering to the Appellant because they were overly bureaucratic. It doesn’t appear that he had any difficulty applying for benefits.

[34] There’s a record of employment in the Commission’s file that shows that the Appellant started another job on August 21, 2023, which he had until February 15, 2025. I don’t find it likely that if the Appellant’s personal circumstances, including mental health challenges, were as he significant as he suggests in his notice of appeal that he would have been able to secure a new job where he worked for approximately 17 months before being laid off.

[35] The Appellant suggested that the bi-weekly claims for benefits were specific tasks that his mental health impaired him from completing. Again, he successfully completed the application for benefits in a timely, responding to questions so that he could start the process to get benefits. I find that a reasonable and prudent person in a similar situation could similarly have responded to questions to claim those benefits.

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<sup>11</sup> See page GD2-14.

[36] I acknowledge that the Appellant may have been taken by surprise when his former employer dismissed him. And this may have weighed on his mind even after he applied for benefits. But I find that a reasonable and prudent person in a situation similar to the Appellant's would have contacted Service Canada to confirm their eligibility for benefits after applying if that was a question. I also find that they would have asked for help completing the claims if there was something about that process that they found difficult or potentially triggering.

[37] I don't find that the any impact to the Appellant's mental health caused by being let go from his job is an exceptional circumstance that excuses him from verifying his rights and obligations under the law.

[38] I sympathize with the Appellant given his present mental health, financial and other personal circumstances. While I sympathize with the Appellant's situation, I can't change the law.<sup>12</sup>

## **Conclusion**

[39] The Appellant hasn't proven that he had good cause for the delay in making his claims for benefits throughout the entire period of the delay. This means that his claims can't be treated as though they were made earlier.

[40] The appeal is dismissed.

Audrey Mitchell

Member, General Division – Employment Insurance Section

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<sup>12</sup> See *Pannu v Canada (Attorney General)*, 2004 FCA 90.