



Citation: *PB v Canada Employment Insurance Commission*, 2025 SST 1316

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

Decision

Appellant: P. B.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission reconsideration decision (592043) dated June 17, 2025 (issued by Service Canada)

Tribunal member: Meena Dhillon

Type of hearing: Teleconference

Hearing date: October 14, 2025

Hearing participant: Appellant

Decision date: October 16, 2025

File number: GE-25-2617

Decision

[1] The appeal is dismissed.

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

Overview

[3] In March 2020, the government made some changes to the *Employment Insurance Act* (EI Act) in response to the COVID-19 pandemic.¹ One of the changes was to add a new temporary benefit, called the EI ERB.² This benefit was available from March 15, 2020 to October 3, 2020. New initial claims for EI regular, sickness and self-employment sickness benefits were not established during this time, and instead EI ERB was approved.³

[4] The amount of the EI ERB was \$500 per week.⁴ But the Canada Employment Insurance Commission (Commission) gave claimants an advance payment of four weeks of the EI ERB (\$2,000) when they first applied.

[5] The Appellant applied for EI ERB benefits on April 18, 2020.⁵ Initially her claim was denied.⁶ Later, her claim was established as EI ERB.⁷

[6] She received 21 weeks of benefits, in addition to an advance of \$2,000.00 for the period of April 12, 2020 to October 3, 2020.

¹ The COVID-19 Emergency Response Act added section 153.3 to the *Employment Insurance Act* (EI Act), which allowed the Minister of Employment and Social Development to make temporary orders amending the EI Act.

² This new EI benefit was provided for in Part VIII.4 of the EI Act.

³ See section 153.8(5) and (6) of the EI Act, as Part V111.4 of the EI Act took precedent over Pat 1 (ref. subsection 153.3(8) of the EI Act).

⁴ See section 153.10(1) of the Act.

⁵ See GD3-3 to GD3-14.

⁶ See GD3-12 to GD3-13.

⁷ See GD3-14.

[7] In September 2022, the Commission conducted a review of the Appellant's claim and asked her to clarify how many insured hours she had in 2019 or the 52 weeks before the period she received ER ERB benefits.⁸ She did not respond.

[8] The Commission decided that the Appellant hadn't worked enough hours to qualify.⁹

[9] I have to decide whether the Appellant has worked enough hours to qualify for EI ERB benefits.

[10] The Commission says that the Appellant doesn't have enough hours because she needed \$5000 in insurable earnings in 2019 or the 52 weeks prior to the date of her application **OR** a minimum of 700 hours in the 52 weeks before the start date of her benefits, but she has only 30.¹⁰

[11] The Appellant agrees that she only had 30 hours and requests that the Tribunal use discretion and take into account that she received a letter on May 1, 2020 advising that she qualified for benefits.¹¹ She says this whole process has caused her a lot of confusion and she shouldn't have to payback the benefits she received.

Issue

[12] Has the Appellant worked enough hours to qualify for EI benefits?

Analysis

How to qualify for benefits

[13] Not everyone who stopped working during the COVID-19 pandemic was eligible to receive EI benefits.

⁸ See GD3-22 to GD3-23.

⁹ Section 7 of the *Employment Insurance Act* (EI Act) says that the hours worked have to be "hours of insurable employment." See GD3-36 to GD3-37.

¹⁰ See GD3-15 to GD3.16 and GD3-12 to GD3-13.

¹¹ See GD3-14.

[14] You have to prove that you qualify for regular EI ERB, regular and special benefits.¹² The Appellant has to prove this on a balance of probabilities. This means that she has to show that it is more likely than not that she qualifies for benefits.

[15] To qualify for EI ERB, regular, and special benefits require you to meet certain criteria to qualify.

EI ERB Benefits

[16] In order to be eligible for EI ERB, the claimant must meet criteria outlined in paragraph 153.9(1)(c) of the EI Act, which says the claimant must:

- a) reside in Canada,
- b) be at least 15 years of age,
- c) have insurable earnings of at least \$5,000 in 2019 or in the 52 weeks preceding the day on which they make the claim under section 153.8, and
- d) have no income within the two-week period in respect of which they claimed the benefit.

EI Regular and special benefits

[17] To qualify EI regular and special benefits, you need to have worked enough hours within a certain timeframe. This timeframe is called the “qualifying period.”¹³

[18] The number of hours depends on the unemployment rate in your region.¹⁴

Did she qualify for benefits?

EI ERB Benefits

¹² See section 48 (regular benefits) and section .153.9(1) (ei erb benefits) of the EI Act.

¹³ See section 7 of the EI Act.

¹⁴ See section 7(2)(b) of the EI Act and section 17 of the *Employment Insurance Regulations*.

[19] The Appellant testified that when she applied for benefits, she was 15 years of age and a resident of Canada. When she applied for benefits, she had income from one employer and that is the Record of Employment (“ROE”) that was submitted in support of claim for benefits. She testified the ROE is correct and she worked 30 hours.

[20] She agrees that her earnings were below \$5,000.00 in 2019 or the 52 weeks preceding her claim.

[21] She testified that the only hours she had work 52 weeks before she applied for benefits was the 30 hours noted in her ROE. She had no other income or self-employment for at least seven consecutive days within the two-week period when she claimed the benefits.

[22] The Commission argues that the Appellant is ineligible for EI ERB benefits she did not meet the requirements for EI ERB. Specifically, they say she did not prove that she had insurable earnings of at least \$5,000 in 2019 or, in the 52 weeks preceding the day on which she made her claim.¹⁵

[23] I find that the Appellant hasn’t proven that she meets the requirements to receive EI ERB benefits. I accept she was 15 years old and a Canadian resident, but she has failed to prove that she had the required insurable hours to receive these benefits.

[24] I will now review if she qualified for regular or sickness EI benefits.

EI regular or sickness benefits

The Appellant’s region and regional rate of unemployment

[25] The Commission decided that the Appellant’s region was Vancouver and that the regional rate of unemployment at the time was 5.4%.

¹⁵ See GD4-2.

[26] This means that the Appellant would need to have worked at least 700 hours in her qualifying period to qualify for EI benefits and 600 hours for special benefits between April 14, 2019 to April 12, 2020.

[27] The Appellant didn't dispute the Commission's decisions about which region and regional rate of unemployment apply to her.

[28] There is no evidence that makes me doubt the Commission's decision. So, I accept as fact that the Appellant needs to have worked 700 hours to qualify for regular benefits and 600 hours for special benefits.

The Appellant's qualifying period

[29] As noted above, the hours counted are the ones that the Appellant worked during her qualifying period. In general, the qualifying period is the 52 weeks before your benefit period would start.¹⁶

[30] 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.

[31] The Commission decided that the Appellant's qualifying period was the usual 52 weeks. It determined that the Appellant's qualifying period went 52 weeks before April 12, 2020, in other words April 14, 2019 to April 12, 2020.

The Appellant agrees with the Commission

[32] The Appellant agrees with the Commission's decision about her qualifying period.

[33] 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 April 14, 2019 to April 12, 2020.

¹⁶ See section 8 of the EI Act.

The hours the Appellant worked

[34] The Commission decided that the Appellant had worked 30 hours during her qualifying period.

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

So, has the Appellant worked enough hours to qualify for EI ERB, regular or sickness benefits?

[36] No. I find that Appellant did not meet the requirements to qualify for EI ERB benefits, as outlined above.

[37] I find that the Appellant hasn't proven that she has enough hours to qualify for EI regular or special benefits because she needs 700 hours for regular benefits or 600 hours for special benefits, but she only worked 30 hours.

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

[39] In this case, the Appellant doesn't meet the requirements, so she doesn't qualify for benefits. While I sympathize with the Appellant's situation, I can't change the law.¹⁷

[40] I can only apply the law that is set out in the *Employment Insurance Act* and *Employment Insurance Regulations*. I can't change the law or give the Appellant another decision, even if I sympathize with her situation.¹⁸

¹⁷ See *Pannu v Canada (Attorney General)*, 2004 FCA 90.

¹⁸ See *Canada (Attorney General) v Hamm*, 2011 FCA 205; and *Granger v Canada Employment and Immigration Commission*, A-684-85.

[41] I can't write off the Appellant's overpayment.¹⁹ But the Commission can decide to write off an overpayment in certain situations—for example, if paying it back would cause the Appellant undue hardship. The Appellant can ask the Commission to write off her overpayment. Or, she can contact the Canada Revenue Agency to discuss payment arrangements.

Conclusion

[42] The Appellant doesn't have enough hours to qualify for benefits.

[43] This means that the appeal is dismissed.

Meena Dhillon

Member, General Division – Employment Insurance Section

¹⁹ See sections 153.1306, 153.1307, and 113 of the Act.