



[TRANSLATION]

Citation: *NC v Canada Employment Insurance Commission*, 2025 SST 838

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

**Decision**

**Appellant:** N. C.  
**Respondent:** Canada Employment Insurance Commission

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**Decision under appeal:** Canada Employment Insurance Commission  
reconsideration decision (633945) dated May 22, 2025  
(issued by Service Canada)

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**Tribunal member:** Nathalie Léger  
**Type of hearing:** In writing  
**Decision date:** July 7, 2025  
**File number:** GE-25-1830

## Decision

[1] The appeal is dismissed.

[2] The Appellant has to pay back the Employment Insurance Emergency Response Benefit (EI ERB) she received when she wasn't eligible.<sup>1</sup>

## Overview

[3] The EI ERB is a new benefit that was created at the beginning of the COVID-19 pandemic.<sup>2</sup> The amount of the EI ERB was \$500 per week.<sup>3</sup>

[4] On April 6, 2020, the Appellant applied for benefits. It was approved. She said in that claim that she had only one employer in the past 12 months. And she had earned more than \$5,000 in insurable earnings in the past year. In total, she received 28 weeks of benefits.

[5] The Canada Employment Insurance Commission (Commission) did an administrative review of the Appellant's file. It found that the Record of Employment showed that she hadn't earned \$5,000 in the past 12 months, as she had reported.

## Issue

[6] Does the Appellant have to pay back the EI ERB she received?

## Analysis

[7] I find that the Appellant has to pay back the EI ERB she received.

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<sup>1</sup> The terms Employment Insurance Emergency Response Benefit (EI ERB) and Canada Emergency Response Benefit (CERB) have been used interchangeably, even though they are two different benefits. For this decision, I will refer to the EI ERB, even though the Commission referred to the CERB in some of its documents.

<sup>2</sup> Part VIII.4 of the *Employment Insurance Act* (Act) sets out the rules that apply to the EI ERB.

<sup>3</sup> See section 153.10(1) of the Act.

[8] Section 153.9 of the *Employment Insurance Act* (Act) sets out the eligibility criteria for the EI ERB. The third criterion reads as follows:

(iii) 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

[9] The Appellant says that when she arrived in Canada in 2019 as an international student, she started working as soon as she could—partly to support herself.<sup>4</sup> At that time, she was only working part-time. From the time she was hired until businesses closed because of the pandemic, she worked only 213 hours and earned \$2,662.60 in insurable earnings. She also told the Commission agent handling her file that she hadn't earned any other insurable earnings in 2019.<sup>5</sup>

[10] Unfortunately, even though I am sympathetic to the Appellant's arguments, I can't change the Act or make a decision that would have the effect of changing it—even for reasons of fairness.<sup>6</sup> Because she didn't earn the \$5,000 in insurable earnings the Act requires, she wasn't eligible to receive the EI ERB.

[11] I can't write off the Appellant's overpayment.<sup>7</sup> Only the Commission can make a decision on that type of request. So, she can ask the Commission to write off her debt. Or, she can contact the Canada Revenue Agency to work out a more manageable payment arrangement.

## Conclusion

[12] The appeal is dismissed.

Nathalie Léger

Member, General Division – Employment Insurance Section

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<sup>4</sup> See GD3-43.

<sup>5</sup> See GD3-44.

<sup>6</sup> See *Mayhead v Canada (Attorney General)*, 2024 FC 679 at para 6; *Canada (Attorney General) v Hamm*, 2011 FCA 205; and *Granger v Canada Employment and Immigration Commission*, A-684-85.

<sup>7</sup> See sections 153.1306, 153.1307, and 113 of the Act.