



Citation: *TF v Canada Employment Insurance Commission*, 2026 SST 130

Social Security Tribunal of Canada Appeal Division

Decision

Appellant:	T. F.
Respondent:	Canada Employment Insurance Commission
Representative:	Lydia Tawil
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Decision under appeal:	General Division decision dated November 18, 2025 (GE-25-2898)
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Tribunal member:	Solange Losier
Type of hearing:	Teleconference
Hearing date:	February 19, 2026
Hearing participants:	Appellant Respondent's representative
Decision date:	February 24, 2026
File number:	AD-25-771

Decision

[1] T. F.'s appeal is dismissed. The General Division followed a fair process and didn't make any jurisdictional errors or important factual errors.

Overview

[2] T. F. is the Claimant. He applied for Employment Insurance benefits when he stopped working.

[3] The Canada Employment Insurance Commission (Commission) decided that he didn't have enough insurable hours of employment during his qualifying period to establish a benefit period, so he couldn't get benefits.¹ The Commission relied on a ruling from the Canada Revenue Agency (CRA) which determined the number of insurable hours he had obtained.²

[4] Neither the Claimant, nor the Commission attended the General Division hearing.

[5] The General Division proceeded in their absence and rendered a decision based on the information it had. It relied on the CRA ruling, which determined that the Claimant only had 592 hours. It found that he needed 595 hours to get regular benefits or 600 hours to get sickness benefits. His appeal was dismissed because he didn't have enough hours.³

[6] The Claimant appealed to the Appeal Division arguing that the General Division made errors.⁴

[7] I am dismissing the Claimant's appeal because the General Division followed a fair process and didn't make any jurisdictional or important factual errors.

¹ See Commission's initial and reconsideration decision at pages GD3-22 to GD3-23 and GD3-40.

² See Canada Revenue Agency (CRA) ruling at pages GD3-37 to GD3-38. When I refer to "hours" in this decision, I am referring to "hours of insurable employment."

³ See General Division decision at pages AD1A-1 to AD1A-7.

⁴ See pages AD1-1 to AD1-6, AD1B-1 to AD1B-8, AD1C-1 to AD1C-7, AD1D-1 to AD1D-3 and AD7-1 to AD7-11.

Preliminary matters

I rescheduled the Appeal Division hearing to give the Claimant additional time to prepare

[8] This hearing was scheduled to be heard by the Appeal Division on February 11, 2026, via teleconference. The Claimant and the Commission attended.⁵

[9] At the beginning of the hearing, the Claimant said that he didn't know that he had to present arguments about errors and how to fix them. I pointed out that our letter to him, including my decision giving him permission to appeal outlined details about how to prepare for the hearing.⁶ I noted that the Tribunal usually assigns a Navigator to each file and they also provide information about how to prepare for a hearing. The Claimant mentioned that he had spoken to the Navigator but still didn't really understand how to prepare for the hearing.

[10] In the interests of fairness, I decided to reschedule the hearing to the following week.⁷ The Commission didn't oppose the rescheduling. I consulted the parties about their availability and preferences before rescheduling. I also spent a few minutes explaining briefly what to expect at the Appeal Division hearing. I told the Claimant that the Navigator would follow up with him again to discuss and answer any questions he might have. And I sent a letter afterwards confirming the rescheduling and summarizing the discussion.⁸

[11] The hearing proceeded on February 19, 2026. Both parties attended the teleconference and were prepared to present their arguments.⁹

I accepted some new evidence from the Claimant

[12] New evidence is evidence that the General Division didn't have before it when it made its decision. The Appeal Division generally doesn't accept new evidence. This is

⁵ There time zone mix-up, but it got resolved and the parties joined the teleconference hearing.

⁶ See letter dated December 9, 2025, granting leave and reasons decision dated December 16, 2025.

⁷ See section 43(3) of the *Social Security Tribunal Rules of Procedure* (SST Rules).

⁸ See pages AD8-1 to AD8-3.

⁹ See pages AD0B-1 to AD0B-3.

because the Appeal Division isn't the fact finder or rehearing the case.¹⁰ It's a review of the General Division's decision based on the same evidence.¹¹ There are some exceptions, including in cases where the new evidence shows that the Tribunal acted unfairly.¹²

[13] The Claimant argued that his interactions with the Tribunal staff led to an unfair process at the General Division. He testified about this at the Appeal Division hearing. His testimony was new evidence. I accepted it because it met an exception.

[14] As well, a telephone note from the Tribunal's file was added to the file record and shared with the parties when leave was granted.¹³ That was also new evidence and met the same exception.

Issues

[15] The issues in this appeal are:

- a) Did the General Division fail to follow a fair process by refusing the rescheduling and proceeding in the Claimant's absence?
- b) Did the General Division make any jurisdictional, or important factual errors when it decided that the Claimant didn't have enough hours to get benefits?

Analysis

The Claimant argues that the General Division didn't follow a fair process

[16] The Claimant argues that his interactions with Tribunal staff led to an unfair process taken by the General Division. He testified that on the morning of the General Division hearing, he was trying to reach a witness (his manager) but couldn't reach him.

¹⁰ See *Tracey v Canada (Attorney General)*, 2015 FC 1300 at paragraphs 29 and 34 and *Parchment v Canada (Attorney General)*, 2017 FC 354 at paragraph 23.

¹¹ See *Gittens v Canada (Attorney General)*, 2019 FCA 256 at paragraph 13.

¹² See *Sharma v Canada (Attorney General)*, 2018 FCA 48 and *Sibbald v Canada (Attorney General)*, 2022 FCA 157 at paragraphs 37–39.

¹³ See page AD4-1.

[17] He wanted his manager to attend because he would have been able to confirm how many hours he worked. The Claimant said he called the Tribunal to discuss his concern. He says that Tribunal staff told him that the hearing could be rescheduled, and to submit an email with his availability.

[18] Following that, he sent the Tribunal an email requesting a rescheduling.¹⁴ He maintains that he was never told by Tribunal staff that the hearing could proceed in his absence. After making that call and sending the email, he went back to work.

[19] I've partly reproduced the telephone note from the Tribunal file. It is dated November 14, 2025, at page AD4-1 and says the following:

“The appellant called because he sent us new documents this morning (that were added as GD07), and now he thinks he should reschedule because he might have a witness to bring, someone who is not available today. I told him that we can receive his rescheduling request if it is sent as soon as possible, but it will be reviewed and I cannot guarantee it will be accepted. I also asked him to add availability dates with his request, should he decide to go forward with it.”

[20] I asked the Claimant about the above telephone note, especially since it said that his rescheduling request would be reviewed but not guaranteed to be accepted. The Claimant maintained that he was not told the hearing might proceed in his absence. He suggested that the telephone log may have altered afterwards.

[21] The file record shows that the General Division refused to reschedule the hearing, explaining that his request didn't meet the requirements set out in the *Social Security Tribunal Rules of Procedure*. It found that the evidence from his witness didn't fall within the Tribunal's jurisdiction, so the hearing would proceed as scheduled. It also noted that he could further discuss his request with the Tribunal Member. The file shows that the rescheduling refusal was emailed to the Claimant and Commission shortly before the scheduled start time.¹⁵

¹⁴ See rescheduling request at page GD9-1.

¹⁵ See pages GD8-1 to GD8-2.

[22] The General Division's decision says that the Tribunal tried calling him a few times at the beginning of the hearing. A voicemail was left for him asking for a return call. As of the date of its decision, he hadn't contacted the Tribunal.¹⁶

[23] I asked the Claimant if he had received the General Division's decision refusing the rescheduling request. The Claimant explained that after sending the email, he went back to work. He didn't get the rescheduling refusal until several hours later and went into "panic" mode.

[24] I asked the Claimant if he contacted the Tribunal to discuss the issue, especially after he saw that his rescheduling request was refused. But he couldn't really remember if he contacted the Tribunal and referred to his time zone.

[25] I reviewed the Claimant's rescheduling request to the Tribunal with him. I noted that his email suggested a "possible rescheduling of the hearing" which suggests that he knew his request wasn't guaranteed.¹⁷ I asked him for an explanation. The Claimant explained that he was simply being polite and suggested that he could have worded it differently.

[26] The Commission argues that the General Division didn't make any errors. It submits that the General Division followed a fair process when it refused to reschedule the hearing and proceeded in his absence.

[27] The Commission explained that the General Division didn't have to reschedule the hearing to ensure the process was fair to him. It noted that the Claimant wasn't prevented from attending and there were reasonable efforts made to have him join the proceedings.

[28] Finally, the Commission says that it was unnecessary to reschedule the General Division hearing because the CRA ruling on the Claimant's hours was binding and his witness testifying about the number of hours he worked wouldn't have changed that.

¹⁶ See paragraph 12 of the General Division decision.

¹⁷ See page GD9-1.

The Social Security Tribunal Rules of Procedure (SST Rules)

[29] The SST Rules allow a party to ask for a rescheduling. In some cases, the Tribunal *must* reschedule if a person meets the criteria set out in the SST Rules. For example, if they are asking for the first time, the original date wasn't scheduled based on their availability, they ask at least 5 business days before the original hearing date, and they are available within two weeks before or after the original date.¹⁸

[30] The SST Rules also contemplate when someone hasn't met the above criteria. When they don't, they have to file a request to reschedule with the Tribunal and must explain why.¹⁹ The Tribunal *may* reschedule the hearing only if it is necessary for a fair hearing.²⁰

[31] The SST Rules also say that an oral hearing may take place without a party if the Tribunal is of the opinion that the party received the Notice of Hearing.²¹

The General Division followed a fair process in this case

[32] Procedural fairness is about the fairness of the process. The Claimant has a right to be heard and to know the case against him. He also has a right to be given an opportunity to respond and have his case considered fully and fairly by an impartial decision-maker. If the General Division didn't follow a fair process in some way, then I can intervene.²²

[33] The General Division identified in its decision that neither the Claimant, nor the Commission attended the teleconference hearing. It acknowledged that the Claimant had sent an email on the day of the hearing asking for a rescheduling. However, it explained that he didn't meet the criteria set out in the SST Rules.²³ It also considered

¹⁸ See section 43(1) of the SST Rules.

¹⁹ See section 43(2) of the SST Rules.

²⁰ See section 43(3) of the SST Rules. Also, the Tribunal decides whether to reschedule without asking the other parties for arguments unless fairness requires the Tribunal to ask.

²¹ See section 58 of the SST Rules.

²² See section 58(1)(a) of the DESD Act.

²³ When a person doesn't meet the criteria set out in section 43(1) of the SST Rules, the Tribunal has the discretion to reschedule for fairness reasons under section 43(3) of the SST Rules.

that the reason for the rescheduling was because the Claimant's witness was expected to testify about matters that were outside of the Tribunal's jurisdiction [i.e., the number of hours he worked]. It also noted that he was given enough notice about the hearing date in order to arrange for his witness to attend.²⁴

[34] I find that the General Division followed a fair process when it refused to reschedule the hearing and proceeded with its decision in the absence of the parties. Let me explain.

[35] The General Division correctly stated that the SST Rules allow it to proceed in the absence of a party if it's satisfied that it got the Notice of Hearing. There is no dispute between the parties that they were notified of the hearing. The General Division concluded that the Claimant and the Commission were notified of the teleconference hearing, so it decided the appeal based on the information before it.²⁵

[36] The file record shows that the Claimant made his rescheduling request to the General Division on the day of his scheduled hearing.²⁶ The General Division responded to his request promptly in writing denying the rescheduling. It communicated its decision to him via email shortly *before* the hearing started and invited him to attend to discuss his request further.²⁷ When the Claimant didn't call into the teleconference hearing, the General Division tried reaching him a few times by telephone. Tribunal staff also called leaving him a voicemail asking for a return call.²⁸

[37] But the Claimant didn't respond. He didn't call or email the Tribunal. He told me that he got the General Division's decision and email notifying him that his rescheduling request was denied several hours later. He said that he went into "panic mode" after he saw it.

²⁴ See paragraphs 9–13 of the General Division decision.

²⁵ See paragraphs 9 and 13 of the General Division decision.

²⁶ See page GD9-1.

²⁷ See pages GD8-1 to GD8-2.

²⁸ See paragraph 12 of the General Division decision.

[38] If the Claimant was under the impression that his rescheduling request was going to be granted after speaking with Tribunal staff over the phone, then it would have been reasonable and prudent for him to follow up with the Tribunal quickly.

[39] Even if the time zone was an issue and the Tribunal was closed, it still doesn't explain why he didn't call the following business day to explain that there was a miscommunication.²⁹ And it doesn't explain why he didn't contact the Tribunal via email because he could communicate outside of business hours.

[40] The Claimant testified at the Appeal Division about his interactions with Tribunal staff. I didn't find his testimony credible when he said that Tribunal staff told him his rescheduling request would be granted. The telephone note on record says his rescheduling request was not guaranteed. And I wasn't persuaded that the staff altered the telephone note as he alleged.

[41] In his rescheduling request to the Tribunal, he refers to a "possible rescheduling" which tells me that he knew his request was not guaranteed. And that's consistent with the summary in the Tribunal's telephone note. His explanation that he was only being polite when he referred to a possible rescheduling wasn't persuasive to me.

[42] The General Division responded to his request in a timely manner and explained with reasons why it refused to reschedule the hearing. As well, it didn't issue its decision right away but waited a few days to see if the Claimant would contact the Tribunal. In its decision, it noted that he had failed to contact the Tribunal as of the date of its decision.³⁰

[43] I find that the General Division followed a fair process. The SST Rules allow for the General Division to proceed in the absence of a party when they have received the Notice of Hearing and render a decision. The General Division wasn't obligated to accept his rescheduling request. And I wasn't persuaded that the Claimant was told by Tribunal staff that his case would be rescheduled. The process was fair to him.

²⁹ The Tribunal operates from 7 a.m. to 7 p.m. (EST) from Monday to Friday.

³⁰ See paragraph 12 of the General Division decision.

The General Division didn't make any jurisdictional or important factual errors

[44] The Claimant argues that the General Division failed to consider all aspects of his case, and ought to have considered all of the evidence.

[45] The Claimant acknowledges that he didn't appeal the CRA ruling. But he says that General Division has the ultimate oversight to decide that he had enough hours and should have been able to reverse the CRA's ruling.

[46] The Commission argues that the General Division didn't make any reviewable errors. It submits that the General Division correctly stated that it didn't have jurisdiction to alter or amend the number of hours the Claimant had, even if his witness could have testified about how many hours he normally worked.

[47] The Commission also says that the General Division relied on the CRA ruling and other facts on file to correctly conclude that he didn't have enough hours to establish a benefit period.³¹

[48] A jurisdictional error means that the General Division didn't decide an issue it had to decide or decided an issue it did not have the authority to decide. If the General Division made an error of jurisdiction, then I can intervene.³²

[49] The General Division makes an important factual error if it bases its decision on a factual finding it made by ignoring or misunderstanding the evidence.³³

[50] The file shows that the CRA ruling was issued on July 3, 2025. It determined that the Claimant had 592 hours of insurable employment for the period under review (which was, July 20, 2024, to September 25, 2024).³⁴ It says that "if you disagree with this

³¹ See pages AD6-1 to AD6-6.

³² See section 58(1)(a) of the DESD Act.

³³ I have described this ground of appeal using plain language. Section 58(1)(c) of the DESD Act says a factual error happens when the General Division has "based its decision on an erroneous finding of fact it made in a perverse or capricious manner or without regard for the material before it."

³⁴ See CRA ruling at GD3-37 to GD3-38.

ruling, you have 90 days from the date of this letter to appeal” and explains how to appeal the ruling.

[51] The General Division correctly stated that it had no jurisdiction to hear disputes related to the CRA’s ruling and that it was bound to follow it.³⁵ CRA has exclusive jurisdiction to decide the number of insurable hours a person has.³⁶ The Courts have already decided this too.³⁷

[52] It’s unfortunate that the Claimant in this case is only short three hours to get benefits, but the Court has stated where a person is short one hour, they can’t get benefits. There is no discretion to waive this requirement.³⁸

[53] The General Division also made factual findings about his interruption of earnings, the regional rate of unemployment during the relevant period, the qualifying period and the number of hours he needed to get benefits (595 hours). The CRA ruling said he only had 592 hours, so he hadn’t shown that he had enough hours to qualify for benefits.

[54] I find that the General Division didn’t make any jurisdictional errors because it has no authority to decide how many hours the Claimant had and to change the CRA ruling.³⁹

[55] I also find that the General Division didn’t make any important factual errors when it determined that he couldn’t establish a benefit period because he didn’t have enough hours. Its key findings were consistent with the evidence before it. And it didn’t misunderstand or fail to consider any relevant evidence.⁴⁰

³⁵ See paragraph 28 of the General Division decision.

³⁶ See section 90(1)(d) of the EI Act and 64(3) of the DESD Act.

³⁷ See *Hrabovskyy v Canada (Attorney General)*, 2025 FC 1565 at paragraph 36, *Chen v Canada (Attorney General)*, 2025 FCA 18 at paragraph 7 and *Canada (Attorney General) v Romano*, 2008 FCA 117 at paragraphs 7–9.

³⁸ See *Canada (Attorney General) v Levesque*, 2001 FCA 304 at paragraph 2.

³⁹ See section 58(1)(a) of the DESD Act.

⁴⁰ See section 58(1)(c) of the DESD Act.

To appeal the CRA ruling, the Claimant needs to contact CRA directly

[56] The Claimant needs to contact CRA directly if he wants to dispute the ruling made about his insurable hours of employment. He may have missed the 90-day deadline to do this, but he can still inquire whether they accept late appeal requests. The Tribunal cannot do this for him.

[57] The General Division's decision also stated that if he wanted to appeal the CRA ruling, that he has to submit an appeal to them. It noted that if he was successful with his appeal at CRA, he could then follow up with the Commission to ask them to rescind or amend their decision based on a new material fact.⁴¹ The Commission noted the same at the Appeal Division hearing.

Conclusion

[58] The appeal is dismissed. The General Division followed a fair process and didn't make any jurisdictional or important factual errors.

Solange Losier
Member, Appeal Division

⁴¹ See paragraph 4 of the General Division decision.