



[TRANSLATION]

Citation: *GB v Canada Employment Insurance Commission*, 2024 SST 73

Social Security Tribunal of Canada Appeal Division

Decision

Appellant:	G. B.
Respondent:	Canada Employment Insurance Commission
Representative:	Jessica Grant

Decision under appeal:	General Division decision dated July 27, 2023 (GE-23-1485)
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Tribunal member:	Pierre Lafontaine
Type of hearing:	Teleconference
Hearing date:	January 24, 2024
Hearing participants:	Appellant Respondent's representative
Decision date:	January 25, 2024
File number:	AD-23-778

Decision

[1] The appeal is allowed.

Overview

[2] The Appellant (Claimant) was a secretary at a school. On March 13, 2020, he lost his job because of the COVID-19 pandemic. He applied for benefits. He received a \$2,000 advance payment from the Respondent (Commission). He stopped completing his reports after two weeks, feeling that the benefits he had received covered his loss of income, which amounted to roughly \$3,000.

[3] After looking into it, the Commission asked the Appellant to pay back the \$2,000 advance payment. The Claimant asked the Commission to reconsider, but it upheld its initial decision. The Claimant appealed the reconsideration decision to the General Division.

[4] The General Division decided that the Claimant had to pay back the \$2,000 he had received from the Commission as an advance payment of the Employment Insurance Emergency Response Benefit (EI ERB).

[5] The Claimant was given permission to appeal the General Division decision. He argues that the General Division ignored facts and made an error of law when it found that he needed to pay back the \$2,000.

[6] I am allowing the Claimant's appeal.

Issue

[7] Did the General Division make an error when it found that the Claimant had to pay back the \$2,000 EI ERB advance payment he had received from the Commission?

Analysis

The parties agree on the outcome of the appeal

[8] The parties participated in a settlement conference. The parties agree that the General Division made an error by failing to consider sections 153.7(1), 153.7 (1.1), and 153.8(1) of the *Employment Insurance Act*, which read as follows:

153.7 (1) An employment insurance emergency response benefit is payable to a claimant who makes a claim under section 153.8 and who is eligible for the benefit.

[...]

(1.1) The Commission may pay the employment insurance emergency response benefit in advance of the customary time for paying it.

[...]

153.8 (1) Any claimant may, **in the form and manner established by the Minister**, make a claim for the employment insurance emergency response benefit for any two-week period starting on a Sunday and falling within the period beginning on March 15, 2020 and ending on October 3, 2020.

[9] I agree with the parties. This means that I am justified in intervening.

I accept the outcome proposed by the parties

[10] The Claimant does not have to pay back the \$2,000 EI ERB advance payment he received from the Commission. However, he is not entitled to additional weeks of EI ERB.

Conclusion

[11] The appeal is allowed. The Claimant does not have to pay back the \$2,000 EI ERB advance payment he received from the Commission.

Pierre Lafontaine
Member, Appeal Division