



FEDERAL COURT  
BETWEEN  
Krystyna Szymanska

-and-

The Attorney General Canada

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**T-1726-22**  
Court File No. 22-T-52

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|                                      | 22-AUG-2022                    |                  |
|                                      | Sherri Ally      Applicant     |                  |
| Toronto, ONT                         |                                | - 3 -            |

Respondent

NOTICE OF APPLICATION FOR JUDICIAL REVIEW

TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the applicant. The relief claimed by the applicant appears below.

THIS APPLICATION will be heard by the Toronto Federal Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of the hearing will be as requested by the applicant. The applicant requests that this application be heard at Toronto Federal Court.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must file a notice of appearance in Form 305 prescribed by the Federal Courts Rules and serve it on the applicant's solicitor or, if the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the Federal Courts Rules, information concerning the local offices of the Court, and other necessary information may be obtained on request to the Administrator of this Court at Ottawa at the phone 613-992-4238 or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Dated this 18<sup>th</sup> day of August 2022

Issued by *Sherri Ally*

Registry Office

FEDERAL COURT OF CANADA

180 Queen Street West, Suite 200

Toronto, Ontario

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TO: ATTORNEY GENERAL OF CANADA

Department of Justice Canada

National Litigation Sector

Ontario Regional Officer

120 Adelaide Street West, Suite 400

Toronto, Ontario

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**This is an application for judicial review in respect of**

Application for the Federal Courts Employment Insurance Commission Processing and Payment for the service and filing of the notice of application. The Applicant requests the Honourable court an order permitting me to file the notice of the application to forgive the over-payment of \$1153.

**This is an application for judicial review in respect of** the Employment Insurance Commission Processing negative decision dated May 17, 2022.

On May 17, 2022, I received the Canada Employment Insurance Commission negative decision number 0003035 with the decision stating the Canada Employment Insurance Commission does not have authority to deal with overpayment.

I am a self-represented applicant. I experiencing difficulties compiling this Application Record in digital format due to the complexity of compliance with online filing requirements in effect due to the COVID-19 shutdown.

Such further and other grounds as the Applicant may advise and this Honourable Court may permitted.

This is an application brought under Rule 359 of the Federal Courts Act, for judicial review of the decision on the Unemployment Over-payment.

**The applicant makes an application to help me to deal with the overpayment of \$1153.** Such further and other relief as the Applicant may advise and his Honourable court to dismiss this case. The applicant makes an application for a reliving payment of over \$1153 dollars of over-payment calculated by Unemployment Insurance.

May 2 but it take time to deliver thee see your verification I will

**The grounds for the application are:**

1 I did not represent my case because I was not able to log into the hearing application or the application did not work. There was no support to help me to log in to the application hearing. Therefore, my case was not heard and a year after I received the negative decision the commission does not deal with such cases. There was a dependency on handling this overpayment issue.

2. The unemployment made mistake/misrepresented the dates of overpayments. First referring to overpayment in December 2019/2020 and replaced that December 2019/2020 over-payment with March 2020 over-payment.

3 The unemployment did not pay me one week of my unemployment in December 2022 and this put my family in financial hardship.

4 This overpayment would help me to pay the bills because of the big inflation in our market and lack of financial support.

5. The system is designed in such a way that I have to be unemployed when I work as Teacher Assist because I do not get paid when I do not work. I would rather have another arrangement than make so many applications to justify getting money.

6. Seeking to relive from the Employment Insurance Commission Processing and Payment debt.

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7. Decision of The Canada Employment Insurance Commission cannot proceed with the reconsideration as requested since the issue is not one that the Commission had the authority to reconsider, exhibit C submitted with motion record.

8. First the Canada Employment Insurance Commission's accepted the overpayment claim in 2021 and in 2022 after a year of keeping the documents the Employment Insurance Commission's rejected the claim. The proof of the rejection document dated June 17, 2022, was submitted with the motion application

**This application will be supported by the following material:**

The letter attached to the response described the financial inability to pay the order based on financial hardship and negative life circumstances.

I did not have the Canada Employment Insurance Commission ( CEIC ) hearing and I was not able to respond to the over-payment case.

Lack of support system to help me to fill out the application or to find the legal resources to help with this application.

**The applicant requests Employment Insurance Commission Processing and Payment to send a certified copy of the following material that is not in the possession of the applicant but is in the possession of the Tribunal to the applicant and to the Registry:**

**Documents related to this case and necessary to share information.**

Krystyna Szymanska

*Krystyna Szymanska*

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Brampton, ON, L6S 5K2

[books4edu@hotmail.com](mailto:books4edu@hotmail.com)

647 881 2262

ADDITIONAL INFORMATION:

I would like to appeal the decision of The Canada Employment Insurance overpayment of \$1153. My application is based on the reasons described below.

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First the Canada Employment Insurance Commission ( CEIC ) accepted the overpayment claim in 2021, exhibit A. In 2022 after a year of keeping these documents the ( CEIC ) rejected the claim, exhibit A1 where they say they do not deal with over payment referring me to the court without giving me details on where to appeal. In addition to the confusion, I was waiting for the hearing that was scheduled but I was not able to log in to that hearing.

The second reason is I did not have the ( CEIC ) hearing and I was not able to explain my situation. I sent the email to request a new link to log into the meeting because the existing link did not work but I did not receive a response at that time of the hearing. I tried to log in to the meeting, but the link did not work. I tried to log in a number of times and I sent the email requesting help to log in, but no one gets back to me. See the attached email for verification. Usually, such meetings have a special phone number where I could call and request help to be able to log into the meeting. I missed that opportunity to represent my case.

The third reason is this case is very confusing in addition Unemployment Insurance makes mistakes claimed over payment for December. When I reason the wrong over-payment request the Unemployment Insurance changed the over-payment to March. In March I do not work for one week and I did not get paid for one week because it is March break and I should get unemployment when I do not work, the exhibit where the unemployment stated the wrong date of over payment.

Fourth reason is I do not have a reliable job with a stable income. Most of the time I do not know my income and when I will be paid when I am on supplying list. When I work on contracts in different schools and even the contracts can be terminated at any time. I report earnings to my best abilities based on prediction. It is hard to calculate the payment when my payment is not equal to the reporting dates. For example, I had a hard time calculating the earnings when the payday is not equal to the dates for the reporting dates. I had to split the earnings in half because the unemployment reporting dates were at different weeks. For example, I had to report the two weeks' earnings from December 17 to December 31, which is two weeks period. My pay was December 24 and for this reason, I had to split the predicted payment in the half to do unemployment reporting.

To support the reporting issue accurately beyond my capability and circumstances. For example, when I start working I do not get paid for the first two weeks and I had to wait another two weeks to get paid. This is almost a month without the money and here the most mistakes happened. I had reporting the majority of my living life, have family, and I took university/college education to get off this trap of reporting and a constant battle for a dollar. Unfortunately, I was not successful because my left eye is slower and this is why I do not have reliable employment and hard living circumstances.

Fifth reason is I can not take the day off from work to completely concentrate on the unemployment cases which require so much time because I do not have a permanent job due to contract work. I do not have any working status and my position can be terminated at any time and I am afraid. The principal does not like it when I take time off from work because there is not enough staff to cover my position to work with special needs students.

The sixth reason is we are living in a very difficult time and it is impossible to manage money because the living expenses exceeds my income. It is not enough to pay bills because the prices increased and everything is so expensive such as food and commuting to work.

The seventh reason is that the unemployment changed the time when I started the employment application without my knowledge and unemployment did not pay me for one week last winter holiday. I only got paid for one week. I always apply for unemployment at the end of June when the school is over and reinstated the application in winter time to get paid the full two weeks. I did the same in 2021 but for an unknown reason when I wanted to reinstate the existing application at the end of December 2021 I was not able. I called unemployment a number of times to speak with the unemployment agent and each agent had a different explanation. After a number of times of calls and my investigation, I found the unemployed without my knowledge had changed the starting date for the unemployed to December 2021. The changing starting date for unemployment from June to December creates conflict in my unemployment application.

The eighth reason is I have only seasonal work and this is only my source of income and I have to support my son because he does not work since COVID. He worked occasionally but during the COVID time he did not work and he still applying for the positions.

The last reason is recently I had been diagnosed with skin cancer and I am waiting for the dermatologist's procedure to remove the mole.

Since the unemployment cut my pay last winter, I do not have enough money to pay back to the unemployed because they already have my 500 dollars that they did not pay me.

Could you help me to deal with this overpayment because right now it is a very different time to survive and pay all the bills? I do not know how we are going to leave under these circumstances when everything is so expensive.

I did not have a meeting to present my case because I was not able to log in to the zoom meeting.

The applicant requests Federal Tribunal to send a certified copy of the following material that is not in the possession of the applicant but is in the possession of the Federal Tribunal to the applicant and the Registry of this court application.



August 18, 2022

Krystyna Szymanska

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647 881 2262

Department of Justice Canada

Ministère de la Justice Canada

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Email/Courriel:  
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Gatineau

August 9, 2022

Our file no:  
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**BY ELECTRONIC FILING**

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RE: Krystyna Szymanska v Employment Insurance  
Commission Processing and Payment Federal Court  
Preliminary File Number: 22-T-52

This letter is in response to the motion filed by the Applicant for an extension of time to file an Application for judicial review. The Respondent does not oppose the motion filed by the Applicant to obtain an extension of time to file an Application for judicial review.

We would ask that if an extension is granted that the Respondent be named the Attorney General of Canada. Pursuant to Rule 303(2) of the *Federal Courts Rules*, the Attorney General of Canada is the proper named Respondent in this matter.

Yours sincerely,



Dani Grandmaître  
Counsel for the Respondent

Dear  
Sir/Madam:

c.c. Krystyna Szymanska, Applicant