

Bill 29 settlement payments: suggested guidelines for completing hardship kit

Completing and returning the permanent hardship kit is a necessary step toward having any overpayment forgiven.

Whether or not you provide hardship information is a decision that only you can make.

If you do intend to make an application it is strongly recommended that, in addition to the information requested in the hardship kit, you include the following information in your cover letter.

- 1) Include the following three paragraphs quoting from the Board of Referees' decision:

I ask that you consider my application taking into account the following recommendation from a Board of Referees appointed under the *Employment Insurance Act* (Case No.:09-1363):

“The Board has thorough examined all the issues in this case and has found that as a direct result of Bill 29 the claimant(s) has suffered grievous harm personally and financially. The circumstances leading to this hearing case have been extremely traumatic to the claimant(s) and, the board opines that such is neither the intent nor the desire of the Commission. To further demand of the claimant(s) in the case that overpayments must be repaid would, in the opinion of the majority of the Board of Referees, cause the claimant(s) undue hardship and sully the reputation of the Commission.

The Majority of the Board strongly and unanimously recommends that the Commission exercise its right to waive the total overpayment relative to Regulation 56. Regulation 56 states that a proof of hardship need not be elaborate for a claimant of ordinary means when the overpayment is large and would cause undue hardship. Undue hardship does not just mean financial hardship. There is hardship any time that claimants, through no fault of their own, are paid money to which they were not entitled must repay.”

- 2) Next explain any personal hardship, in detail, that you have experienced as a result of the impact of *Bill 29*, including personal losses, family impacts, and any financial hardships directly related to the loss of your employment or position;
- 3) Then go on to detail any personal hardship you have or will experience from complying with the overpayment, including personal impacts, family impacts, and any financial hardship, and
- 4) Finally, write about anything else you think should be considered in your unique case.

Make sure you mail your hardship information as soon as you can, and before any applicable deadline. If there is a deadline that you cannot meet, make sure to ask for an extension.