

Federal Court



Cour fédérale

**Date: 20250214**

**Docket: T-1337-24**

**Citation: 2025 FC 292**

**Ottawa, Ontario, February 14, 2025**

**PRESENT: Madam Justice Sadrehashemi**

**BETWEEN:**

**STEVE NWAJEI**

**Applicant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

**JUDGMENT AND REASONS**

[1] The Applicant, Steve Nwajei, applied for the Canada Emergency Response Benefit (“CERB”) for seven four-week periods from March 15, 2020 to September 26, 2020 (“CERB periods”). In 2022, the Canada Revenue Agency (“CRA”), through its validation process, found him ineligible because he earned more than \$1000 of employment income in the CERB periods for which he applied.

[2] Mr. Nwajei explained to the CRA officers and to me at the judicial review hearing that, at the time of the onset of restrictions due to the COVID-19 pandemic, he was working three jobs in order to support his family, including a child with special needs. Mr. Nwajei explained that he understood from a manager at one of his jobs that, due to a federal directive relating to COVID-19, he could no longer hold three jobs and had to quit one. The Minister pointed out at the hearing that there is no evidence in the record to substantiate the existence of such a federal directive.

[3] I need not determine the existence of the federal directive or whether Mr. Nwajei was given this information. Indeed the lack of evidence of the existence of a federal directive is not the basis on which the CRA made its determination to find Mr. Nwajei ineligible for CERB. The key concern is the requirement that individuals collecting CERB cannot receive any income from employment, unless their earnings are under \$1000 (*Canada Emergency Response Benefit Act*, SC 2020, c 5, s 8 [CERB Act], subparagraph 6(1)(b)i) and *Income Support Payment (Excluded Nominal Income) Regulations*, SOR/2020-90, section 1). There is no dispute between the parties that Mr. Nwajei made over \$1000 in the relevant periods.

[4] My role on judicial review is a narrow one. I can only consider whether the decision made by the second reviewer (dated May 22, 2024) finding Mr. Nwajei ineligible was reasonable and fair. In this case, the CRA second reviewer reviewed Mr. Nwajei's circumstances and applied the legislation that restricts eligibility. There are no exemptions to this eligibility requirement the reviewer could have applied. There are no humanitarian factors that can be considered to override eligibility requirements. In these circumstances, I find that the second

reviewer's decision was a reasonable one. Accordingly, I must dismiss Mr. Nwajei's judicial review.

[5] I note that the arguments that Mr. Nwajei made to me about his family's circumstances are ones that may be appropriate to explain to the CRA in relation to repayment. As noted in the second reviewer's decision: "We understand that it may not be possible for you to pay your debt immediately and in full. We're here to help."

**JUDGMENT in T-1337-24**

**THIS COURT'S JUDGMENT is that:**

1. The style of cause is amended with immediate effect to name the Attorney General of Canada as the proper Respondent;
2. The application for judicial review is dismissed; and
3. No costs are awarded.

"Lobat Sadrehashemi"

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** T-1337-24

**STYLE OF CAUSE:** STEVE NWAJEI v ATTORNEY GENERAL OF CANADA

**PLACE OF HEARING:** CALGARY, ALBERTA

**DATE OF HEARING:** FEBRUARY 3, 2025

**JUDGMENT AND REASONS:** SADREHASHEMI J.

**DATED:** FEBRUARY 14, 2025

**APPEARANCES:**

Steve Nwajei

FOR THE APPLICANT  
(ON HIS OWN BEHALF)

Alicia Tam

FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Attorney General of Canada  
Calgary, Alberta

FOR THE RESPONDENT