



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *C. R. v Canada Employment Insurance Commission*, 2019 SST 931

Tribunal File Number: GE-19-2662

BETWEEN:

C. R.

Appellant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Employment Insurance Section

DECISION BY: Solange Losier

HEARD ON: August 12, 2019

DATE OF DECISION: August 13, 2019

DECISION

[1] The appeal is dismissed. The Appellant is disentitled from employment insurance benefits because she was absent from Canada from May 10, 2019 to May 26, 2019 and has not proven that she meets any of the exceptions.

OVERVIEW

[2] The Appellant applied for employment insurance regular benefits and a benefit period was established effective on March 10, 2019. The Appellant reported that she left Canada from May 10, 2019 to May 26, 2019. The Canada Employment Insurance Commission (Respondent) determined that she was not entitled to employment insurance benefits for the period that she was absent from Canada. The Appellant appealed to the Social Security Tribunal (Tribunal) stating that the trip to visit her sister was pre-arranged one year prior while she was still employed and that she had secured a job interview while she was away.

ISSUES

[3] Issue 1: Was the Appellant out of Canada? If so, what period was the Appellant out of Canada?

[4] Issue 2: Does the Appellant meet any of the exceptions?

[5] Issue 3: Is there any discretion to allow the payment of employment insurance benefits for compassionate, humanitarian or financial reasons?

ANALYSIS

[6] A claimant is not entitled to receive benefits for any period that the claimant is not in Canada.¹ There are exceptions where a claimant is not disentitled from receiving benefits, but it depends on the reason the claimant is outside of Canada.²

¹ Subsection 37(b) of the *Employment Insurance Act* (Act)

² Subsection 55(1) of the *Employment Insurance Regulation* (Regulation)

Issue 1: Was the Appellant out of Canada? If so, what period was the Appellant out of Canada?

[7] Yes, I accept that the Appellant was out of Canada from May 10, 2019 to May 26, 2019. This was not disputed between the parties.

Issue 2: Does the Appellant meet any of the exceptions?

[8] No, I find that the Appellant does not meet any of the exceptions provided for in subsection 55(1) of the Regulations because the purpose of her trip was to do some sightseeing and to visit family.

[9] The Respondent submits that the primary purpose of the Appellant's trip was to visit her sister and not to attend a bona fide job interview; or conduct a bona fide job search (GD4-3). The Respondent further submits that securing a single job interview while absent from Canada, is not sufficient to provide her relief from disentanglement.

[10] The Appellant testified that she spent the first four days in Ireland sightseeing with her partner and then the remainder of her trip was spent in the United Kingdom with her sister and nephew. This trip was pre-planned and paid for the previous year.

[11] I reviewed the exceptions listed in subsection 55(1) of the Regulations with the Appellant at the hearing. The Appellant agreed that none of the exceptions applied to her particular circumstances, but noted that she did manage to secure a job interview for May 29, 2019 while she away. She also stated that she was ready, willing and available to work during that period, but she was not offered any jobs or interviews during the time she was travelling.

[12] I accept that the Appellant secured a job interview while she was travelling, but the purpose of her trip was not to attend a bona fide job interview, or to conduct a bona fide job search. Instead the purpose of her trip was to do some sightseeing and to visit. As a result, I find that these exceptions are not applicable.³

³ Subsection 55(1)(e)(f) of the Regulations.

Issue 3: Is there any discretion to allow the payment of employment insurance benefits for compassionate, humanitarian or financial reasons?

[13] The Appellant presented some persuasive circumstances, including that she had not seen her sister, or met her nephew and that the trip was booked one year prior. However, the Act does not provide me with any discretion to allow the payment of employment insurance benefits because of her personal circumstances.

CONCLUSION

[14] The appeal is dismissed.

Solange Losier

Member, General Division - Employment Insurance Section

HEARD ON:	August 12, 2019
METHOD OF PROCEEDING:	Teleconference
APPEARANCES:	C. R., Appellant