



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *RG v Canada Employment Insurance Commission*, 2020 SST 1000

Tribunal File Number: GE-20-1038

BETWEEN:

**R. G.**

Appellant (Claimant)

and

**Canada Employment Insurance Commission**

Respondent (Commission)

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**SOCIAL SECURITY TRIBUNAL DECISION**  
**General Division – Employment Insurance Section**

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DECISION BY: Solange Losier

HEARD ON: July 3, 2020

DATE OF DECISION: July 6, 2020

## **DECISION**

[1] The appeal is dismissed. The Claimant has not proven that he had good cause for the entire period of delay.

## **OVERVIEW**

[2] In general, to be paid EI benefits, no benefit period shall be established unless the claimant supplies information in the form and manner directed by the Commission.<sup>1</sup> If the claimant fails to provide the information in a timely manner, the Claimant has to prove<sup>2</sup> that he had good cause for the delay.<sup>3</sup>

[3] The Commission wrote to the Claimant on December 1, 2017 and asked him to provide his identity documents (GD3-14). They needed to validate his signature and identity because his mother's maiden name did not match the information to his social insurance number record on file. The Claimant submitted some of his Portuguese identity documents and a declaration of nullity to the Commission (GD3-19 to GD3-20; GD3-23). The Commission received a copy of his permanent residency card on January 20, 2020, which they determined was a primary identity document that confirmed his identity (GD3-28).

[4] The Commission decided that the Claimant did not have good cause during the entire period of delay (GD3-18; GD3-35; GD3-49). They refused the request because he told that he received his permanent residency card around June or July 2019, but did not submit to them until January 20, 2020 (GD3-33).

[5] The Claimant disagrees because he submitted all of his documents and his permanent residency card took around two years to receive.

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<sup>1</sup> Subsection 48(2) of the *Employment Insurance Act*.

<sup>2</sup> The Claimant has to prove this on a balance of probabilities, which means it is more likely than not.

<sup>3</sup> Subsection 10(5) of the *Employment Insurance Act*.

## **PRELIMINARY MATTER**

[6] The Claimant's aunt called the Tribunal on July 2, 2020, according to a telephone record in the file. She told an agent that she was planning to attend the teleconference hearing but said that she was not acting as an official representative.

[7] On the hearing date, only the Claimant called into the teleconference. The Claimant said that he was expecting his aunt to call into the teleconference to assist him during the hearing because she had filled out some of his immigration forms. He did not know if she would act as a witness, or his representative. We waited for his aunt, but she did not call into the teleconference. I suggested that the Claimant try to call his aunt directly, but he did not have her phone number. As a result, the hearing proceeded without his aunt in attendance and with consent from the Claimant.

[8] At around 11am, the Claimant completed his testimony. The Claimant had testified that his aunt had completed his immigration forms and he had some difficulty recalling dates. I asked the Claimant if there was another way to reach his aunt, so that I could ask her about the immigration forms and dates. The Claimant suggested that he could try calling his uncle's house.

[9] We agreed to disconnect from the teleconference and to call back around ten minutes later. Shortly after, the Claimant called back into the teleconference and said that he could not reach his uncle or his aunt and left them a message.

[10] Finally, I advised the Claimant that I could allow his aunt to submit a written statement after the hearing. The Claimant decided that a written statement from his aunt would not be necessary and that he wanted a decision made based on his evidence.

## **ISSUES**

[11] Whether the Claimant had good cause for the entire period of delay in submitting his identity document?

## ANALYSIS

[12] The Claimant applied for EI benefits on November 27, 2015 (GD3-3 to GD3-13). The Commission sent him a letter on December 1, 2017 because the personal information provided in his online application did not match his social insurance number record, specifically his date of birth and mother's maiden name (GD3-14). However, the Claimant later told the Commission that he had not received the December 1, 2017 letter (GD3-21). At the hearing, the Claimant noted that he lived in a rooming house, so the mailbox is shared among other residents.

[13] The Commission sent the Claimant a second letter dated December 28, 2017 and decided that his claim for EI benefits could not be processed because they were unable to confirm his identity. They noted that he did not comply with their request from the December 1, 2017 letter to visit a Service Canada Centre and present his identification (GD3-18).

[14] The Claimant testified that he submitted some identity documents to Service Canada. He submitted a copy of his Portuguese passport, his Portuguese birth certificate and national Portuguese identity card (GD3-19 to GD3-20). The file shows that they were stamped as received by Service Canada on January 11, 2018. He also submitted a copy of his divorce certificate which was stamped as received by Service Canada on January 15, 2018 (GD3-23)

[15] The Claimant said that he was experiencing issues with his EI application because of his name. He said that his social insurance record when he first arrived to Canada had a slightly different name compared to the one in his EI application (GD3-12).

[16] The Commission told the Claimant that they needed evidence of his legal status from Immigration, Refugees and Citizenship Canada (GD3-21). The telephone record in the file indicates that the Claimant told them he had applied for Canadian citizenship because he had been working in Canada for over 40 years, but expected it would take around one year to receive (GD3-21).

[17] The file includes two pages of an application from Citizenship and Immigration Canada for the "verification of status or replacement of an immigration document" (GD3-41 to GD3-42). The Claimant said that his aunt helped him with this application, but he does not know where the

two final pages with the date or signature are located, or when they were submitted to Citizenship and Immigration Canada.

[18] In “Part B” of that application, the Claimant requested a “replacement of a valid temporary resident document” and this follows with an explanation of “document misplaced with move of residences”. This was submitted to Service Canada on February 22, 2017 and on February 22, 2020 (GD3-41 to GD3-42).

[19] I asked the Claimant for more information about when he applied for his permanent residency card. He said it was the first time he applied for his permanent residency card after living in Canada for forty years. His aunt helped him complete the application, but he could not remember the date. He said that it took a long time to receive, almost two years.

[20] The file includes a photocopy of the Claimant’s permanent residency card and copy of his application dated and signed on September 7, 2018 (GD3-28; GD3-44 to GD3-47).

[21] The Claimant said that there was a previous application for his permanent residency that was submitted before September 7, 2018. He said it was returned because there were issues with his name. He does not have a copy of that previous application, or any other supporting documents that would show it was returned. I note that this is consistent with a discussion he had with the Commission about this issue (GD3-39).

[22] The Commission submits that they only first received a primary identity document (his permanent residency card) on January 20, 2020 (GD3-28). The Commission says that his permanent residency application was signed and dated on September 7, 2018 (GD3-44 to GD3-47). The Claimant told them the permanent residency card was likely received in June or July 2019 (GD3-30 to GD3-33). The Commission argues that he did not have good cause for the entire period of delay because he did not submit it to them until January 20, 2020(GD3-28).

[23] I agree with the Commission. I find that the Claimant has not proven that he had good cause for the entire period of delay for the following reasons.

[24] The Claimant has not proven that for the entire period of delay it took approximately two years to obtain an identity document, specifically his permanent residency card. The file includes

only one copy of his permanent residency application on September 7, 2018. There was insufficient evidence of a previous application for permanent residency application, or any documents that would show he submitted one before this date.

[25] I find it more likely than not, that the Claimant received his permanent residency card in June or July 2019 based on his previous statement to the Commission. I preferred his earlier statement to the Commission because it was more detailed than some parts of his testimony. I note that the permanent residency card appears to have been issued for a five year period. It expires on April 4, 2024, which suggests that it may have been issued in April 2019, but only received by the Claimant in June or July 2019.

[26] I find that the Claimant has not proven that he acted like a reasonable or prudent person during the entire period of delay because a reasonable and prudent person in similar circumstances would have submitted his permanent residency card to the Commission when he received it in June or July 2019, instead of January 20, 2020.

[27] I acknowledge that the Claimant took some steps to provide the Commission with copies of Portuguese identity documents in January 2018 and February 2018. He also took steps to obtain a replacement of an immigration document that was misplaced and to file a permanent residency application. However, he has failed to show good cause for not submitting his permanent residency card when it was received.

## CONCLUSION

[28] The appeal is dismissed.

Solange Losier

Member, General Division - Employment Insurance Section

HEARD ON:	July 3, 2020
METHOD OF PROCEEDING:	Teleconference
APPEARANCES:	R. G., Appellant (Claimant)