



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *CS v Canada Employment Insurance Commission*, 2021 SST 15

Tribunal File Number: AD-21-4

BETWEEN:

**C. S.**

Applicant

and

**Canada Employment Insurance Commission**

Respondent

---

**SOCIAL SECURITY TRIBUNAL DECISION**  
**Appeal Division**

---

Leave to Appeal and Appeal Decision by: Jude Samson

Date of Decision: January 25, 2021

## **DECISION AND REASONS**

### **DECISION**

[1] The parties reached an agreement in this case. Based on that agreement, I am giving C. S. permission (or leave) to appeal. I am also allowing her appeal and giving the decision the General Division should have given. Except for her medical condition, C. S. was available for work from June 30, 2019, to July 20, 2019.

### **ANALYSIS**

[2] C. S. is the Claimant in this case. She stopped working and applied for Employment Insurance (EI) benefits on July 5, 2019. She was expecting to give birth in early August, but stopped working earlier for medical reasons.

[3] A year later, the Claimant was not yet able to return to work. So, she asked for EI sickness benefits. The Commission denied her request.

[4] The Commission said that it could not extend the Claimant's benefit period unless it had already paid her sickness benefits (during her regular benefit period, before any extensions). It also found that the Claimant wasn't eligible for sickness benefits at the start of her claim because she was on a planned leave and not available for work.

[5] The Claimant appealed the Commission's decision to the Tribunal's General Division and lost.

[6] She is now appealing the General Division decision to the Appeal Division.

[7] I invited the parties to a case conference. During that case conference, the parties agreed to the following:

- a) The General Division based its decision on an important error about the facts of the case when it found that the Claimant “was on a planned maternity / parental leave as of July 5, 2019.”<sup>1</sup>
- b) When reaching this conclusion, the General Division overlooked important evidence that the Claimant had given at the hearing about how her leave had started unexpectedly early and for medical reasons.<sup>2</sup>
- c) In the circumstances, I should give the Claimant permission to appeal, allow her appeal, and give the decision the General Division should have given. Except for her medical condition, the Claimant was available for work from June 30, 2019, to July 20, 2019.

[8] Based on the information available to me, I am satisfied that I should give the Claimant permission to appeal and allow the appeal in line with the agreement that the parties reached at the January 25, 2021, case conference.

[9] This decision means that the Claimant is entitled to an extension of her benefit period. The Commission will work out the details of that extension.

Jude Samson  
Member, Appeal Division

REPRESENTATIVES:	C. S., self-represented M. Allen, representative for the Respondent.
------------------	---

---

<sup>1</sup> See paragraph 10 of the General Division decision.

<sup>2</sup> Audio recording of General Division hearing starting at approximately 8:35.