



Citation: *SR v Canada Employment Insurance Commission*, 2021 SST 375

**Social Security Tribunal of Canada
General Division – Employment Insurance Section**

Decision

Appellant: S. R.
Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission
reconsideration decision (425510) dated June 9, 2021
(issued by Service Canada)

Tribunal member: Candace R. Salmon
Type of hearing: Teleconference
Hearing dates: July 14 and July 15, 2021
Hearing participant: Appellant
Decision date: July 16, 2021
File number: GE-21-1050

Decision

[1] The appeal is dismissed. I find the Claimant is not eligible to receive any further employment insurance special benefits for sickness.

Overview

[2] The Claimant stopped working due to illness. He applied for employment insurance (EI) special benefits for sickness. The Canada Employment Insurance Commission (Commission) established a claim for benefits and is currently paying the Claimant 15 weeks of sickness benefits.

[3] The Claimant asked the Commission to extend his sickness benefits. He stated that he is undergoing chemotherapy treatments and will require surgery, so he will not be able to return to work in 15 weeks. The Commission denied his request. After reconsidering his file, the Commission upheld this decision.

[4] The Claimant appeals to the Social Security Tribunal (Tribunal), arguing he should be entitled to receive additional weeks of sickness benefits because he needs them.

Issue

[5] Does the Claimant qualify to receive any further sickness benefits?

Analysis

[6] Sickness benefits are a special EI benefit program. Claimants qualify for sickness benefits under different provisions than regular benefits. In this case, there is no question that the Claimant qualified for 15 weeks of sickness benefits.

[7] The *Employment Insurance Act* states that the maximum number of weeks for which benefits may be paid because of illness or injury is 15 weeks.¹ The Claimant submitted at the hearing that a Commission agent told him the number of weeks of sickness benefits might be increasing. It is accurate that the government announced, as

¹ *Employment Insurance Act*, section 12(3)(c)

part of the 2021 budget, an extension to EI sickness benefits that would change the law to allow claimants to receive 26 weeks of benefits. However, even with the passage of the budget bill, changes to the law require implementation. The changes described to this element of the law have not been implemented, so the Claimant cannot benefit from what is not presently the law.

[8] The Claimant submitted that he was diagnosed with cancer in December 2020, and is undergoing chemotherapy. He described his medical condition and related challenges, including the loss of his voice, in detail. I have no question that he remains ill and unable to work; however, I have no flexibility to change the law to apply the promises of the 2021 federal budget, which have not yet become law.

[9] I am sympathetic to the Claimant's position, but there is no legal basis to find in his favour when he is already receiving the maximum allowable weeks of sickness benefits.

[10] While I do not adjudicate *Canada Pension Plan* (CPP) benefits and cannot speak to whether he would qualify, I note that CPP Disability benefits may be available to the Claimant. He has submitted that he is incapable of regularly working, due to illness, and that his illness will make him incapable of working for an indefinite period of time. I encourage the Claimant to obtain information about the CPP Disability benefits program.

Conclusion

[11] The appeal is dismissed. I find the Claimant is not entitled to receive more than 15 weeks of sickness benefits.

Candace R. Salmon
Member, General Division – Employment Insurance Section