



Citation: *LA v Canada Employment Insurance Commission*, 2021 SST 495

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

# **Decision**

**Appellant:** L. A.

**Respondent:** Canada Employment Insurance Commission

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**Decision under appeal:** Canada Employment Insurance Commission  
reconsideration decision (424624) dated May 28, 2021  
(issued by Service Canada)

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**Tribunal member:** Solange Losier

**Type of hearing:** Teleconference

**Hearing date:** August 19, 2021

**Hearing participant:** Appellant (Claimant)

**Decision date:** August 25, 2021

**File number:** GE-21-1046

## **Decision**

[1] The appeal is dismissed.

## **Overview**

[2] The Claimant applied for Employment Insurance (EI) maternity and parental benefits while she was out of the country. Her child is critically ill and she is unable to return to Canada at this time.

[3] The Canada Employment Insurance Commission (Commission) found out that her Social Insurance Number (SIN) expired. Because of this, they determined that she was not entitled to receive EI maternity and parental benefits with an expired SIN number while out of the country. The Claimant disagrees because she cannot leave the country to renew her SIN card in Canada as her child is critically ill.

## **Matter I have to consider first**

[4] The Claimant is currently abroad with her child who is hospitalized. A teleconference hearing was scheduled for August 19, 2021 (GD1-1 to GD1-3). However, we had some difficulty hearing each other during the hearing, so we decided to conclude.

[5] The Claimant agreed that she would provide additional information and written submissions after the hearing. I followed up by writing her a letter with some questions (GD5-1 to GD5-3). The Claimant wrote back with her responses and a copy was shared with the Commission (GD6-1 to GD6-4)

## **Issue**

[6] Is the Claimant entitled to EI maternity and parental benefits while she is abroad and has an expired SIN number?

## Analysis

### Agreed facts

[7] The Claimant agrees that she is outside of Canada.

[8] The Claimant agrees that she has an expired SIN.

[9] The Claimant's child is critically ill and hospitalized.

### **The law says that benefits cannot be paid while she is abroad with an expired SIN card**

[10] The Commission is relying on a section in the law that says she is not disentitled from receiving benefits if caring for a critically ill child for the sole reason that she is outside of Canada, unless her SIN card or the period of validity of her SIN has expired.<sup>1</sup>

[11] I acknowledge that if the Claimant had known that her SIN card has expired, she would have resolved it before she left to go abroad.

[12] I agree with the Commission. It is undisputed that the Claimant's SIN card expired in 2017. Her SIN card remains expired and I cannot remove this requirement. This means that benefits cannot be paid while she is abroad with an expired SIN card.

### **The Claimant has compassionate personal circumstances**

[13] I acknowledge that the Claimant is in a difficult position and has very compassionate circumstances with her child's critical illness. However, I do not have the discretion or authority to change the law in the case.

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<sup>1</sup> Subsection 55(4) of the *Employment Insurance Regulations* states: "A claimant who is not a self-employed person is not disentitled from receiving benefits in respect of pregnancy, the care of a child or children referred to in subsection 23(1) of the Act, the care or support of a family member referred to in subsection 23.1(2) of the Act, of a critically ill child or of a critically ill adult or while attending a course or program of instruction or training referred to in paragraph 25(1)(a) of the Act for the sole reason that the claimant is outside Canada, unless their Social Insurance Number Card or the period of validity of their Social Insurance Number has expired."

[14] The Claimant may want to verify whether her SIN card can be renewed through other methods while she is abroad.

## **Conclusion**

[15] The appeal is dismissed. The Claimant remains disentitled to benefits because her SIN card is expired.

Solange Losier  
Member, General Division – Employment Insurance Section