



Citation: *LM v Canada Employment Insurance Commission*, 2022 SST 865

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

Decision

Appellant: L. M.
Appellant's Representative: S. V.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission
reconsideration decision (451461) dated February 1, 2022
(issued by Service Canada)

Tribunal member: Raelene R. Thomas

Type of hearing: Videoconference
Hearing date: April 12, 2022
Hearing participants: Appellant
Appellant's representative

Decision date: April 28, 2022
File number: GE-22-592

Decision

[1] The appeal is dismissed.

[2] The Commission agrees to pay the Claimant four weeks of Family Caregiver Employment Insurance (EI) benefits.

Overview

[3] The Claimant's mother became seriously ill. The Claimant continued to work while providing care to her mother. The amount of care her mother required increased to the point where the Claimant had to take time off work without pay. With the help of a social worker the Claimant applied for Compassionate Care benefits.¹ The Claimant was denied Compassionate Care benefits because she mistakenly submitted a Family Caregiver EI medical form in support of her application.

[4] When the Claimant applied for Compassionate Care benefits she was not aware that another family member had applied for and was receiving Family Caregiver benefits in relation to her mother.² The Claimant submitted the Compassionate Care EI medical form and was again denied because her mother had passed away.

[5] The Claimant appeals to the Social Security Tribunal.

Matter I have to consider first

A settlement was reached after the hearing

[6] At the hearing I explained to the Claimant and her Representative that there are 15 weeks of Family Caregiver benefits payable to one or more family members. The benefits can also be paid out concurrently to more than one family member as long as no more than 15 weeks of benefits in total are paid to all family members.

¹ Section 23.1 of the Employment Insurance Act (EI Act) says compassionate care benefits are payable to provide care to a family member who has a serious illness with a significant risk of death in 26 weeks.

² Section 23.2 of the EI Act says benefits for a critically ill adult (Family Caregiver benefits) are payable to provide care or support to a family member who is a critically ill adult requiring the care or support of one or more family members

[7] In this case, the Claimant's brother had applied for and received 15 weeks of Family Caregiver benefits from August 15, 2021 to December 4, 2021. He should only have been paid 11 weeks because those benefits ended once the Claimant's mother passed away on November 3, 2021. This meant that there were 4 weeks of Family Caregiver benefits available to be paid concurrently to the Claimant in the weeks before her mother's death.

[8] I asked the Claimant if she would agree to a settlement of her appeal if the Commission agreed to pay her four weeks of Family Caregiver benefits. The Claimant agreed to this.

[9] After the hearing, I wrote to the Commission to ask if it would consider settling the appeal by paying the Claimant four weeks of Family Caregiver benefits.

[10] The Commission replied asking that I dismiss the appeal, and send the case back to them so they can issue (pay) four weeks of Family Caregiver benefits to Claimant.

[11] I am dismissing the Claimant's appeal because the Claimant and the Commission are agreeable to her being paid four weeks of Family Caregiver benefits.

Issue

[12] Is the Claimant entitled to Compassionate Care EI benefits?

Analysis

[13] Given that the Commission has agreed to pay the Claimant four weeks of Family Caregiver benefits and the Claimant is agreeable to this, I do not need to decide if she is entitled to Compassionate Care benefits.

Conclusion

[14] The appeal is dismissed.

[15] The Commission will pay the Claimant four weeks of Family Caregiver benefits.

Raelene R. Thomas
Member, General Division – Employment Insurance Section