



[TRANSLATION]

Citation: *LV v Canada Employment Insurance Commission*, 2023 SST 206

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

**Decision**

**Appellant:** L. V.  
**Respondent:** Canada Employment Insurance Commission

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**Decision under appeal:** Canada Employment Insurance Commission  
reconsideration decision (487611) dated July 13, 2022  
(issued by Service Canada)

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**Tribunal member:** Josée Langlois  
**Type of hearing:** Teleconference  
**Hearing date:** February 7, 2023  
**Hearing participant:** Appellant  
**Decision date:** February 8, 2023  
**File number:** GE-22-2582

## Decision

[1] The appeal is dismissed.

[2] I find that the Claimant isn't entitled to compassionate care benefits to care for a critically ill adult after May 7, 2022. Compassionate care benefits can't be paid beyond the maximum 26 weeks set out in the *Employment Insurance Act* (Act) even if the other criteria are met.

## Overview

[3] On September 29, 2021, the Claimant made a renewal claim for compassionate care benefits to care for her mother with Alzheimer's disease. She provided a compassionate care benefits form, completed by her mother's doctor, indicating that her mother was critically ill and at risk of death within 26 weeks.

[4] On December 17, 2021, the Canada Employment Insurance Commission (Commission) told the Claimant that it had established a compassionate care benefit period from November 7, 2021, to May 7, 2022, for a period of 26 weeks.

[5] On May 11, 2022, the Claimant requested a reconsideration of this decision, saying that she could not go back to work because her mother still needed care and support.

[6] On December 17, 2022, the Commission told the Claimant that she had received the maximum number of weeks of compassionate care benefits under the Act. It told her that compassionate care benefits can be paid for a maximum of 26 weeks.

[7] I have to decide whether the Claimant is entitled to compassionate care benefits beyond the maximum 26-week period.

## Issue

[8] Can the Claimant receive compassionate care benefits after May 7, 2022?

## Analysis

[9] A claimant can receive benefits to provide care or support to a critically ill family member if a medical certificate issued by a medical doctor or nurse practitioner certifies that the adult is critically ill and requires the care or support of one or more family members.<sup>1</sup>

[10] A critically ill adult is a person who is at least 18 years of age and whose baseline state of health has significantly changed and whose life is at risk as a result of an illness or injury.<sup>2</sup>

[11] The maximum number of weeks for which compassionate care benefits can be paid to care for a critically ill family member is 26 weeks.<sup>3</sup>

[12] The Claimant provided a medical certificate signed by her mother's doctor saying that her mother is critically ill, requires the care of one or more of her family members, and is at risk of death within 26 weeks.

[13] The Commission accepted the medical certificate and paid the Claimant compassionate care benefits for 26 weeks from November 7, 2021, to May 7, 2022.

[14] The Claimant argues that her mother's condition isn't going to improve and that, because she is an only child, she is the only person who can care for her mother on a daily basis.

[15] At the hearing, the Claimant said that she has asked for a place for her mother in a long-term care centre but that she is still waiting for a response. In the meantime, her mother receives services at home from the local community service centre. The Claimant said that there is a person hired by an external agency who provides some care for her mother. But this person doesn't speak French, and the Claimant still has to be there because the care offered isn't enough.

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<sup>1</sup> See section 23.3 of the *Employment Insurance Act (Act)*.

<sup>2</sup> See section 1(7) of the *Employment Insurance Regulations*.

<sup>3</sup> See sections 12(3)(d) and 23.1(2) of the Act.

[16] The Claimant also said that her mother's health is getting worse and that she can't go back to work. She argued that she should be able to receive benefits beyond the 26 weeks because her mother hasn't died and she is her mother's sole caregiver.

[17] I understand the Claimant's explanations and the difficulties she has experienced.

[18] The Act says that special benefits can be paid when a family member is critically ill. But the Act sets out a maximum number of weeks of benefits that can be paid. As the Claimant says, she provided a form signed by her mother's doctor saying that her mother is critically ill and needs care and support. The Commission established a benefit period and paid 26 weeks of compassionate care benefits to the Claimant. But the Act doesn't allow for compassionate care benefits to care for a critically ill family member to be paid beyond a 26-week period.

[19] As the Commission argues, only Parliament can extend the maximum number of weeks for compassionate care benefits under the Act.<sup>4</sup>

[20] I find that the Claimant isn't entitled to compassionate care benefits after May 7, 2022, because she has received the maximum number of weeks of benefits that can be paid in this case.

## **Conclusion**

[21] The appeal is dismissed.

Josée Langlois  
Member, General Division – Employment Insurance Section

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<sup>4</sup> See CUB74578.