



Citation: *SM v Canada Employment Insurance Commission*, 2025 SST 848

Social Security Tribunal of Canada
General Division – Employment Insurance Section

Decision

Appellant: S. M.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission
reconsideration decision (728954) dated June 11, 2025
(issued by Service Canada)

Tribunal member: Susan Stapleton

Type of hearing: Teleconference

Hearing date: July 9, 2025

Hearing participant: Appellant

Decision date: July 14, 2025

File number: GE-25-1936

Decision

[1] The appeal is dismissed. The Appellant is disentitled from receiving employment insurance (EI) benefits from March 6, 2025, because she is outside of Canada.

Overview

[2] The Appellant left Canada and travelled to United States on March 5, 2025, to live with her husband, who is in the United States for work.

[3] The Canada Employment Insurance Commission (Commission) decided that the Appellant was disentitled from receiving EI benefits from March 6, 2025, indefinitely, because she has been outside of Canada since that date.¹

[4] The Appellant asked the Commission to reconsider its decision. She said that her doctor had put her off work due to her complicated pregnancy, and her husband is her primary caregiver. She has no other close family in Canada. Her husband is in the United States for work, and she needs care, so she traveled to be with her husband. She believes she is entitled to receive EI sickness benefits.²

[5] On reconsideration, the Commission maintained its decision.³ The Appellant appealed to the Social Security Tribunal (Tribunal).

Issue

[6] Is the Appellant disentitled from receiving EI benefits from March 6, 2025, because she is outside of Canada?

¹ See GD3-40.

² See GD3-41.

³ See GD3-47.

Analysis

[7] Generally, EI benefits are not payable to claimants while they are outside of Canada.⁴ There are some exceptions to this rule, which are listed in the *Employment Insurance Regulations* (Regulations).⁵

[8] It's up to the Appellant to prove that her situation falls within one or more of the exceptions in the Regulations.⁶

[9] The law says a claimant can receive EI benefits while outside of Canada **if** their travel is for one of the following purposes:

- to undergo medical treatment that is not readily available in Canada;
- to attend the funeral of an immediate family member;
- to accompany an immediate family member to a hospital for medical treatment that is not available in Canada;
- to visit a family member who is seriously ill or injured;
- to conduct a bona fide job search; or
- to attend a bona fide job interview.⁷

[10] The Commission says the Appellant can't be paid benefits from March 6, 2025, because she has been outside of Canada since that date, and the reason she is outside of Canada is not one of the exceptions listed under the law.

[11] The Appellant submits that she has to be with her husband in the United States, so that he can provide her with care during her pregnancy.⁸

⁴ See section 37 of the *Employment Insurance Act* (Act).

⁵ See section 55 of the Regulations and *Attorney General of Canada v Bendahan*, 2012 FCA 237.

⁶ See *Attorney General of Canada v Peterson*, A-370-95.

⁷ See subsection 55(1) of the Regulations.

⁸ See GD2-5.

[12] The Appellant testified as follows:

- She read the exceptions listed in the Regulations and acknowledges that she doesn't meet any of them. Her situation isn't listed. But she doesn't understand why her situation hasn't been taken into consideration.
- She is outside of Canada because her husband is working temporarily in the United States. Her doctor put her off work so she could rest. She couldn't stay alone in Canada because she has no relatives there, and she is experiencing a complex pregnancy.
- She moved to the United States to live with her husband when she was four months pregnant. They will stay in the United States until after the baby is born and then return to Canada.
- She isn't receiving medical treatment in the United States that she can't receive in Canada.
- Her husband is providing her moral support, and not actual medical care or treatment. She has no specific medical issues and doesn't need help carrying out her daily routine. She isn't on bed rest.
- She doesn't drive and doesn't go outside her home alone. Her husband does the grocery shopping and cooking.

[13] I find that the Appellant's reason for being outside of Canada, namely, to stay with her husband in the United States during the remainder of her pregnancy, does not fall within any of the exceptions listed in the Regulations.

[14] While I sympathize with the circumstances that led to the Appellant leaving Canada to go and stay with her husband, I cannot change the law.⁹ The Appellant's

⁹ See *Granger v Canada (CEIC)*, [1989] 1 S.C.R. 141.

reason for being outside of Canada is not one of the exceptions listed in the law. Therefore, she is not entitled to receive benefits for the period from March 6, 2025.

Conclusion

[15] The Appellant is disentitled from receiving EI benefits from March 6, 2025, because she is outside of Canada and has not proven that she meets any of the exceptions listed in the Regulations.

[16] The appeal is dismissed.

Susan Stapleton

Member, General Division – Employment Insurance Section