



Citation: *AT v Canada Employment Insurance Commission*, 2026 SST 117

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

Decision

Appellant: A. T.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission reconsideration decision (767296) dated December 6, 2025 (issued by Service Canada)

Tribunal member: Laura Hartsliet

Type of hearing: Videoconference

Hearing date: January 20, 2026

Hearing participants: Appellant

Decision date: January 21, 2026

File number: GE-25-3616

Decision

[1] The appeal is dismissed. This means the Tribunal disagrees with the Appellant.

Overview

[2] The Appellant says she should be entitled to receive Family Caregiver Benefits because she had to care for her ailing mother after she suffered a heart attack, required emergency surgery and was in the hospital for an extended period of time. The Appellant's mother lives in Russia and the Appellant had to leave work and travel to Russia to care for her mother for several weeks.

[3] The Commission says that the Appellant is not entitled to receive Family Caregiver Benefits because not all of the conditions required by Section 23.3 of the *Employment Insurance Act* (the 'EI Act') were met. Specifically, the medical documents the Appellant submitted fail to indicate that her mother was "critically ill" as defined by the Act.

[4] The Appellant says she should be entitled to benefits because the medical documents she submitted contain more than sufficient information to satisfy all of the necessary legal requirements.

[5] For the following reasons, I disagree with the Appellant.

Issue

[6] Is the Appellant entitled to receive Family Caregiver Benefits?

Analysis

[7] The Appellant filed a claim for EI benefits and requested 6 weeks of Family Caregiver Benefits while she cared for her ailing mother beginning on September 22, 2025.¹ The Appellant says that her mother suffered a heart attack on September 1,

¹ See GD3-6-8

2025, and required emergency heart surgery. The Appellant's mother then remained in the hospital until October 1, 2025, when she was discharged to pursue rehabilitation at home.

[8] The Appellant says she arrived in Russia on September 22, 2025, and cared for her mother while she was recovering in the hospital. The Appellant then continued to care for her mother after she returned to her home. The Appellant says that her mother required constant care including help with standing, walking, using the washroom, eating and all other activities of daily living. The Appellant says that she arranged for a physiotherapist to help her mother with rehabilitation exercises and then arranged for a social worker to continue to help her mother after the Appellant returned home to Canada on October 30, 2025.

[9] The Appellant says that, prior to leaving for Russia, she spoke with her manager and discussed how to apply for Family Caregiver Benefits. The Appellant says her manager sent her links for two websites; one for the Commission and one for similar provincial benefits. The Appellant says she visited the Commission's website and familiarized herself with the criteria required on a medical certificate. The Appellant then told her sister, who lives in Russia, about these criteria so that her sister could obtain a medical document from their mother's treating cardiologist.

[10] On September 16, 2025, the Appellant submitted a medical document from the head of the cardiology department at her mother's hospital in Russia, along with an official English translation of that document. The medical document says,

Emergency admission. The patient's condition is accompanied by complications. By the present time (16/09/2025) the patient's condition remains grave. The mobility is limited. The patient is not able to look after herself. Needs personal care. The duration of in-hospital treatment – not less than 2-3 weeks.²

[11] On October 2, 2025, the Appellant submitted a second medical document from the same doctor along with an official English translation which says,

² See GD3-18

Emergency admission. The patient's condition is accompanied by complications. As of the discharge date (01/10/2025) the patient's condition remains stabilized. The mobility is improving. The patient is not able to look after herself. Needs family's care (for the next 3-4 weeks approximately.)³

[12] The Appellant then submitted a third medical document, along with an unofficial English translation, which is from her mother's family doctor and is designed to petition their local government for assistance from a social worker. This document is dated October 20, 2025, describes all of the various social services the Appellant's mother requires including, but not limited to, "social and domestic, aimed at supporting the patient's life in everyday life...to assist with eating (feeding), to assist in dressing and changing clothes..."⁴

[13] The Appellant says that she tried to have her mother's family doctor in Russia sign the Commission's Medical Certificate, but after speaking with his manager, the doctor refused to sign the form because it was in English. In support of her testimony, the Appellant provided a series of text messages between her and the family doctor which had been translated into English. These text messages support the Appellant's testimony that the doctor in Russia refused to sign the Commission's form.

[14] At the hearing, the Appellant provided detailed and consistent testimony throughout the hearing and I have no reason to disbelieve her. I believe the Appellant when she says her mother suffered a heart attack and required constant care in the hospital and after she was discharged. I believe the Appellant when she says her mother's condition was serious and she was unable to care for herself. I believe the Appellant when she says her mother's family doctor in Russia refused to sign the English form she provided to him.

[15] However, regardless of how credible the Appellant is, the problem here is the absence of particular information in the medical documents the Appellant has submitted. The Appellant says that she has satisfied that criteria outlined in the legislation and she has provided ample documentary evidence to establish that her

³ See GD3-30

⁴ See GD2A-29

mother was “critically ill” and required her care. For the following reasons, I do not agree with the Appellant that the medical documentation establishes that her mother was “critically ill” as defined in the Act. The law sets out the criteria the Appellant must meet in order to qualify for Family Caregiver Benefits, and she has simply failed to meet these criteria.

[16] The EI Act says that Family Caregiver Benefits are paid to a major attachment claimant to care for a “critically ill adult”⁵ if a medical doctor or nurse practitioner has issued a certificate that states that the adult is a “critically ill adult” and requires the care or support of one or more of their family members.

[17] The *Employment Insurance Act Regulations* (the ‘Regulations’) go on to define a “critically ill adult” as “a person who is 18 years of age or older...whose baseline state of health has significantly changed and whose life is at risk as a result of an illness or injury.”⁶ In fact, the Commission’s Medical Certificate that the Appellant was required to submit contains a three point checklist that was developed specifically from the definition contained in the EI Regulations.

[18] The definition of a “critically ill adult” is very detailed and specific and does not simply mean that the person is “seriously ill” or even “gravely ill”. Instead, in order to qualify for Family Caregiver Benefits, a claimant needs to establish that they are caring for a “critically ill adult” by submitting a Medical Certificate which confirms three specific things:

- the patient’s life is at risk as a result of their illness or injury;
- they have experienced a significant change in their baseline state of health; and
- they require care or support from one or more of their family members.

The law is clear that **all three** of the criteria must be met in order for the Appellant to be entitled to Family Caregiver Benefits.

⁵ See subsection 23.3(1) of the EI Act.

⁶ EI Regulations subsection 1(7)

[19] In the case before me, while it is true that the Appellant's first medical document describes her mother's condition as "grave", this term does not establish that her mother's life was a risk as a result of her condition and does not establish that her mother experienced a significant change in her baseline state of health. In fact, none of the many medical documents the Appellant submitted confirm either of these things. While it may be clear from the medical documents that the Appellant's mother required additional care and support, in the absence of any indication that her life was at risk or there was a change in her baseline state of health, these documents do not establish that the Appellant's mother was "critically ill" as specifically defined in the Act and the Regulations.

[20] In addition to the EI Act and the Regulations, the prevailing caselaw says that Family Caregiver Benefit for adults are payable to a family member of a "critically ill adult" who submits a medical certificate to that fact. The caselaw also confirms the very specific definition of "critically ill". For example, in the *G. L. v. Canada Employment Insurance Commission*, 2019 SST 209 case the Appeal Division explains:

The Employment Insurance Act and the Employment Insurance Regulations define "critically ill adult" as "a person who is 18 years of age or older [...] whose baseline state of health has significantly changed and whose life is at risk as a result of an illness or injury." **The term "critically ill adult" must be interpreted based on the definition in the Act and Regulations, not based on a claimant's understanding of the wording.**

Therefore, the legislation requires the following **two conditions to be met**: the baseline state of health has significantly changed **and** the life is at risk as a result of an illness or injury⁷. [Emphasis added]

[21] In the matter before me, I recognize that the Appellant went to great lengths to submit numerous medical documents and have them all translated into English. I applaud the Appellant's efforts and I understand how time-consuming, expensive and stressful that process must have been. However, none of the Appellant's medical documents contain the information that the legislation requires. The documents do not confirm that the Appellant's mother's life was at risk or that there was a significant

⁷ See *G. L. v. Canada Employment Insurance Commission*, 2019 SST 209, paragraphs 12 and 13

change in her baseline state of health. In the absence of these two criteria, these medical documents simply fail to establish that the Appellant's mother was "critically ill" pursuant to the very specific definition contained in the Act, the Regulations and the prevailing caselaw. The Appellant cannot receive Family Caregiver Benefits in the absence of a Medical Certificate to confirm that her mother was "critically ill".

[22] This means that the Appellant has failed to fulfil the required criteria and she is not entitled to receive Family Caregiver Benefits for the weeks she cared for her ailing mother. Although I understand the Appellant's position and I sympathize with her situation, I am bound by the law and I am not permitted to rewrite it, regardless of how compelling the circumstances may be⁸. The Appellant's appeal must therefore be dismissed.

Conclusion

[23] The appeal is dismissed.

Laura Hartsliel

Member, General Division – Employment Insurance Section

⁸ *Knee*, 2011 FCA 301; *Hamm*, 2011 FCA 205; *Granger*, A-684-85