



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *P. T. v. Canada Employment Insurance Commission*, 2016 SSTADEI 88

Tribunal File Number: AD-15-1353

BETWEEN:

P. T.

Applicant

and

Canada Employment Insurance Commission

Respondent

and

Lake Louise Station Ltd. Partnership

Added Party

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division – Leave to Appeal decision

DECISION BY Pierre Lafontaine

DATE OF DECISION: February 15, 2016

REASONS AND DECISION

DECISION

[1] The Tribunal refuses leave to appeal to the Appeal Division of the Social Security Tribunal.

INTRODUCTION

[2] On November 27, 2015, the General Division of the Tribunal determined that:

- The Applicant did not have just cause to leave his employment pursuant to sections 29 and 30 of the *Employment Insurance Act* (the “Act”).

[3] The Applicant requested leave to appeal to the Appeal Division on December 16, 2015.

ISSUE

[4] The Tribunal must decide if the appeal has a reasonable chance of success.

THE LAW

[5] According to subsections 56(1) and 58(3) of the *Department of Employment and Social Development Act* (the “*DESD Act*”), “an appeal to the Appeal Division may only be brought if leave to appeal is granted” and “the Appeal Division must either grant or refuse leave to appeal”.

[6] Subsection 58(2) of the *DESD Act* provides that “leave to appeal is refused if the Appeal Division is satisfied that the appeal has no reasonable chance of success”.

ANALYSIS

[7] Subsection 58(1) of the *DESD Act* states that the only grounds of appeal are the following:

- (a) The General Division failed to observe a principle of natural justice or otherwise acted beyond or refused to exercise its jurisdiction;
- (b) The General Division erred in law in making its decision, whether or not the error appears on the face of the record; or
- (c) The General Division based its decision on an erroneous finding of fact that it made in a perverse or capricious manner or without regard for the material before it.

[8] The Tribunal needs to be satisfied that the reasons for appeal fall within any of the above mentioned grounds of appeal and that at least one of the reasons has a reasonable chance of success before leave can be granted.

[9] In this case, the General Division had to decide if the Applicant had just cause to leave his employment

[10] The Applicant, in his application for leave, states that the General Division did not know that the first reason he left his employment was that he received his T-4 slip too late to file his tax return and this made him not able to afford the cost of living in the area, or not able to make it to the next time he received his pay cheque.

[11] The Applicant stated before the General Division that he liked his employers and did not want to cause them any trouble. He stated that had his T-4 slip not been late, he would still be working at Lake Louise.

[12] The General Division found that the Applicant's decision to quit was one of personal choice and that a reasonable alternative was simply to remain in the job and address his tax concerns with the *Canada Revenue Agency*.

[13] It is clear and settled law that leaving employment for personal reasons is not just cause under the *Act*. The cost of living and inadequate income do not constitute just cause under section 30 of the *Act* allowing the Applicant to leave his employment.

[14] After review of the appeal docket, the decision of the General Division and the arguments of the Applicant in support of his application for leave to appeal, the Tribunal is not satisfied that the appeal has a reasonable chance of success.

CONCLUSION

[15] The Application is refused.

Pierre Lafontaine

Member, Appeal Division