



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *J. G. v. Canada Employment Insurance Commission*, 2018 SST 236

Tribunal File Number: AD-17-948

BETWEEN:

J. G.

Applicant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division

Leave to Appeal Decision by: Shu-Tai Cheng

Date of Decision: March 15, 2018

DECISION AND REASONS

DECISION

[1] The application for leave to appeal (Application) is refused.

OVERVIEW

[2] The Applicant, J. G., seeks Employment Insurance benefits. He maintains that he had many reasons for leaving his employment and that his former employer broke laws.

[3] The Respondent, the Canada Employment Insurance Commission (Commission), denied his request, because it found that the Applicant had voluntarily left his employment without just cause.

[4] To qualify for Employment Insurance benefits, the Applicant must establish that he had no reasonable alternative to leaving his employment.

[5] The General Division of the Social Security Tribunal of Canada found that the Applicant had voluntarily left his employment and that his reasons for leaving did not establish “just cause” as he had reasonable alternatives to leaving when he did.

[6] The Applicant filed the Application with the Appeal Division and submitted that the General Division did not properly evaluate his case.

[7] I find that the appeal does not have a reasonable chance of success, because the Application simply repeats arguments made at the General Division and does not disclose any reviewable errors.

ISSUES

[8] Is there an argument that the General Division decision is based on serious errors in the findings of fact, because it failed to take into account parts of the evidence in the appeal record?

ANALYSIS

[9] An applicant must seek leave to appeal in order to appeal a General Division decision. The Appeal Division must either grant or refuse leave to appeal, and an appeal can proceed only if leave to appeal is granted.¹

[10] Before I can grant leave to appeal, I must decide whether the appeal has a reasonable chance of success. In other words, is there an arguable ground upon which the proposed appeal might succeed?²

[11] Leave to appeal is refused if the Appeal Division is satisfied that the appeal has no reasonable chance of success³ based on a reviewable error.⁴ The only reviewable errors are the following: the General Division failed to observe a principle of natural justice or otherwise acted beyond or refused to exercise its jurisdiction; it erred in law in making its decision, whether or not the error appears on the face of the record; or it 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.

[12] The Applicant submits that the General Division did not consider his arguments on “multiple viable reasons to quit” his job.

Is there an argument that the General Division decision is based on serious errors in the findings of fact, because it failed to take into account parts of the evidence in the appeal record?

[13] The General Division took into account the evidence in the appeal record, which included documentary evidence, the Applicant’s testimony at the hearing, and post-hearing documents that he submitted. However, the General Division was not satisfied that the Applicant had proved that he had just cause for voluntarily leaving his employment.

¹ *Department of Employment and Social Development Act* (DESD Act) at subsections 56(1) and 58(3).

² *Osaj v. Canada (Attorney General)*, 2016 FC 115, at paragraph 12; *Murphy v. Canada (Attorney General)*, 2016 FC 1208, at paragraph 36; *Glover v. Canada (Attorney General)*, 2017 FC 363, at paragraph 22.

³ DESD Act at subsection 58(1).

⁴ DESD Act at subsection 58(2).

[14] The Applicant argues that he had many viable reasons to leave, including that he was treated badly by his employer and that his employer broke “numerous laws.” For the most part, the Application repeats the Applicant’s evidence and submissions before the General Division.

[15] The General Division considered the Applicant’s arguments and the evidence on file. It considered the Applicant’s testimony and each of the reasons he advanced as demonstrating just cause. The General Division’s decision includes an analysis on the Applicant’s allegations of discrimination and refusal to pay for overtime work, his dissatisfaction with his wage rate and working conditions, changes in his work duties, and practices of the employer alleged to be contrary to the law. Ultimately, the General Division concluded, as it related to each argument advanced by the Applicant, that he had either not established the reason relied upon or that there were reasonable alternatives to leaving.⁵

[16] The Applicant’s reasons for appeal that he had many viable reasons to leave his employment do not have a reasonable chance of success.

[17] The Applicant’s one new argument is that the General Division asked him to provide “evidence” of labour laws to which he referred. He now contends that the General Division should know the labour laws.

[18] The Applicant made reference to a number of laws before the General Division: human rights legislation, pay equity legislation, health and safety legislation, and others. However, his references did not specify what provision (section, subsection, paragraph, etc.) he relied upon; they merely indicated that he alleged that his employer had acted contrary to those laws. The Applicant must do more than make general statements about what a particular law stands for and that the law “was broken.”

[19] This ground of appeal has no reasonable chance of success.

[20] I have read and considered the General Division decision and the documentary record. My review does not indicate that the General Division either overlooked or misconstrued important evidence. There is no suggestion that the General Division failed to observe a principle

⁵ General Division decision at paragraphs 48, 54, 58, 61, 62, 67, 69, 76, 84, 85, 91, and 92.

of natural justice or otherwise acted beyond or refused to exercise its jurisdiction, or that it erred in law in coming to its decision.

[21] I am satisfied that the appeal has no reasonable chance of success.

CONCLUSION

[22] The Application is refused.

Shu-Tai Cheng
Member, Appeal Division

REPRESENTATIVES:	J. G., self-represented
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