



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *T. R. v Canada Employment Insurance Commission*, 2019 SST 363

Tribunal File Number: AD-19-118

BETWEEN:

T. R.

Applicant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION

Appeal Division

Leave to Appeal Decision by: Valerie Hazlett Parker

Date of Decision: April 18, 2019

DECISION AND REASONS

DECISION

[1] Leave to appeal is refused.

OVERVIEW

[2] T. R. (Claimant) left work after a pay dispute. The Employer decided that he had quit. The Claimant applied for Employment Insurance benefits. The Canada Employment Insurance Commission decided that the Claimant was disqualified for benefits because he had voluntarily left his employment without just cause. The Claimant appealed this decision to the Tribunal. The Tribunal's General Division dismissed the appeal because it also decided that the Claimant voluntarily left his employment without just cause. Leave to appeal to the Tribunal's Appeal Division is refused because the Claimant did not present a ground of appeal under the *Department of Employment and Social Development Act* (DESD Act) on which the appeal has a reasonable chance of success.

ISSUE

[3] Does the appeal have a reasonable chance of success on the basis of a ground of appeal under the DESD Act?

ANALYSIS

[4] The DESD Act governs the Tribunal's operation. It sets out only three grounds of appeal that the Appeal Division can consider. They are that the General Division failed to observe a principle of natural justice or made a jurisdictional error, made an error in law, or based its decision on an erroneous finding of fact made in a perverse or capricious manner or without regard for the material before it.¹ In addition, leave to appeal is to be refused if the appeal has no reasonable chance of success.² Therefore, to be granted leave to appeal the Claimant must

¹ DESD Act s. 58(1)

² DESD Act s. 58(2)

present at least one ground of appeal that falls under the DESD Act and on which the appeal has a reasonable chance of success.

[5] In the Application to the Appeal Division the Claimant set out the factual basis surrounding when he left work, including the circumstances surrounding the pay dispute, and that another employee had assured him that it was being looked into. The repetition or clarification of this information does not point to any error made by the General Division and is not a ground of appeal under the DESD Act.

[6] The Tribunal wrote to the Claimant and requested that he provide at least one ground of appeal that falls under the DESD Act. The Claimant responded with further explanation of the facts surrounding the end of his employment and provided a copy of his Record of Employment. Again, this does not point to any error made by the General Division.

[7] I have read the General Division decision and the written record. The General Division did not misconstrue or overlook any important information. The Claimant does not suggest that it based its decision on any erroneous finding of fact, made an error in law or failed to observe any principles of natural justice.

CONCLUSION

[8] The Application is therefore refused.

Valerie Hazlett Parker
Member, Appeal Division

REPRESENTATIVES:	T. R., Self-represented
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