



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *S. R. v Canada Employment Insurance Commission*, 2019 SST 1237

Tribunal File Number: AD-19-562

BETWEEN:

S. 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: September 25, 2019

DECISION AND REASONS

DECISION

[1] Leave to appeal is refused.

OVERVIEW

[2] S. R. (Claimant) was given a two-day suspension from work at a placement agency due to poor attendance. He left this employment and applied for regular Employment Insurance benefits (EI). The Canada Employment Insurance Commission decided that the Claimant was disqualified from receiving EI because he had voluntarily left his employment without just cause.

[3] The Claimant appealed the Commission's decision to the Tribunal. The Tribunal's General Division dismissed the appeal for the same reason. Leave to appeal the General Division's decision to the Tribunal's Appeal Division is refused because the appeal has no reasonable chance of success.

PRELIMINARY MATTERS

[4] The Claimant wrote in the Application to the Appeal Division that he wanted to appeal to the Tribunal's Appeal Division because he was not satisfied with the General Division's decision. The Tribunal wrote to him and explained what grounds of appeal the Appeal Division can consider and requested that he provide grounds of appeal. The Claimant did not respond to this letter.

ISSUE

[5] Does the appeal have a reasonable chance of success based on the General Division having made an error under the *Department of Employment and Social Development Act* (DESD Act)?

ANALYSIS

[6] The DESD Act governs the Tribunal's operation. It provides rules for appeals to the Appeal Division. An appeal is not a re-hearing of the original claim, but a determination whether

the General Division made an error under the DESD Act. The Act also states that there are only three kinds of errors that can be considered. They are that that the General Division failed to observe a principle of natural justice, 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 must be refused if the appeal does not have a reasonable chance of success.²

[7] I understand that the Claimant is unhappy about the result of his appeal to the General Division. However, this is not a ground of appeal upon which leave to appeal can be granted.

[8] I have read the General Division decision and the written record. The General Division did not overlook or misconstrue any important information. It considered the Claimant's evidence and that of the other parties. The General Division made no error in law. It considered whether the Claimant had voluntarily left his employment, and whether he had just cause for doing so. Based on the evidence, it decided that the Claimant did voluntarily leave, and that he did not have just cause for doing so because he could have stayed employed with a commitment to improve attendance, or he could have obtained a medical certificate for his absences. The General Division also considered whether a change in work duties or the Claimant's move to care for a relative could impact the decision to disqualify the Claimant. The General Division made no error in law in doing so.

[9] There is no suggestion that the General Division failed to observe a principle of natural justice.

CONCLUSION

[10] Leave to appeal is refused because there are no grounds of appeal under the DESD Act on which the appeal has a reasonable chance of success.

Valerie Hazlett Parker
Member, Appeal Division

¹ DESD Act s. 58(1)

² DESD Act s. 58(2)

REPRESENTATIVE:	S. R., Self-represented
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