



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *S. P. v Canada Employment Insurance Commission*, 2019 SST 989

Tribunal File Number: AD-19-664

BETWEEN:

**S. P.**

Applicant

and

**Canada Employment Insurance Commission**

Respondent

---

**SOCIAL SECURITY TRIBUNAL DECISION**  
**Appeal Division**

---

Leave to Appeal Decision by: Jude Samson

Date of Decision: October 8, 2019

## DECISION AND REASONS

### DECISION

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

### OVERVIEW

[2] S. P. is the Claimant in this case. In April 2019, he quit his job and moved to a new city with a lower cost of living. But the Claimant has had trouble finding work since he moved, so he applied for Employment Insurance (EI) regular benefits.

[3] The Canada Employment Insurance Commission reviewed the Claimant's application but refused to pay him EI benefits. Instead, the Commission disqualified the Claimant from receiving EI benefits because he had voluntarily left his job without just cause.<sup>1</sup> In other words, the Claimant had reasonable alternatives to leaving his job when he did.

[4] The Claimant challenged the Commission's decision to the Tribunal's General Division, but he lost his appeal. The Claimant now wants to appeal the General Division decision to the Tribunal's Appeal Division. For the file to move forward, however, he needs leave (or permission) to appeal.

[5] Unfortunately for the Claimant, I have concluded that his appeal has no reasonable chance of success. As a result, I must refuse leave to appeal.

### ISSUE

[6] Does the Claimant's appeal have any reasonable chance of success?

---

<sup>1</sup> In this context, "just cause" has a very specific meaning. It is defined in section 29(c) of the *Employment Insurance Act* (EI Act). Section 30 of the EI Act establishes the Commission's powers to disqualify claimants from receiving EI benefits.

## ANALYSIS

[7] The Tribunal must apply the law and follow certain procedures.<sup>2</sup> As a result, this appeal is following a two-step process: the leave to appeal stage and the merits stage. If the appeal has no reasonable chance of success, then it cannot move on to the merits stage.<sup>3</sup>

[8] The legal test that the Claimant needs to meet at this stage is a low one: Is there any arguable ground on which the appeal might succeed?<sup>4</sup> To decide this question, I must focus on whether the General Division could have committed one of three errors.<sup>5</sup>

### **Does the Claimant's appeal have any reasonable chance of success?**

[9] The Claimant is not challenging any of the General Division's conclusions. Instead, he says that he desperately needs EI benefits because he has not worked for many months and is under a lot of financial stress.

[10] The Commission can only pay EI benefits to people who meet the requirements set out in the law. Unfortunately for the Claimant, financial need is not one of those requirements. Similarly, financial need is not a reason for granting leave to appeal either.

[11] At this stage, my job is limited to deciding whether the General Division could have made one of the three errors mentioned above. Instead, however, the Claimant says that he agrees with the General Division's analysis.<sup>6</sup>

[12] Nevertheless, I have reviewed the file and the decision under appeal. In short, the General Division set out the correct legal test. The General Division also identified reasonable alternatives that the Claimant could have pursued instead of quitting his job.

---

<sup>2</sup> Many of the Tribunal's procedures are set out in the *Department of Employment and Social Development Act* (DESD Act).

<sup>3</sup> This is described in sections 58(2) and 58(3) of the DESD Act.

<sup>4</sup> *Osa v Canada (Attorney General)*, 2016 FC 115 at para 12.

<sup>5</sup> Section 58(1) of the DESD Act defines the three errors (or grounds of appeal) that I am able to consider.

<sup>6</sup> AD1-3.

[13] The evidence supports the General Division's decision. In addition, my review of the file did not reveal relevant evidence that the General Division might have ignored or misinterpreted.<sup>7</sup> Finally, the Claimant has not suggested that the General Division acted unfairly in any way.

[14] As a result, the Claimant's appeal has no reasonable chance of success.

## CONCLUSION

[15] I sympathize with the Claimant's circumstances. Nevertheless, I have concluded that his appeal has no reasonable chance of success. I have no choice, then, but to refuse leave to appeal.

Jude Samson  
Member, Appeal Division

REPRESENTATIVE:	S. P., self-represented
-----------------	-------------------------

---

<sup>7</sup> Federal Court decisions like *Griffin v Canada (Attorney General)*, 2016 FC 874 and *Karadeolian v Canada (Attorney General)*, 2016 FC 615 say that I should normally grant leave to appeal if the General Division might have ignored or misinterpreted relevant evidence. This is true even if there are problems with the claimant's written documents.

## **Relevant Legal Provisions**

### ***Department of Employment and Social Development Act***

#### **Grounds of appeal**

**58 (1)** The only grounds of appeal are that

- (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.

#### **Criteria**

(2) Leave to appeal is refused if the Appeal Division is satisfied that the appeal has no reasonable chance of success.

#### **Decision**

(3) The Appeal Division must either grant or refuse leave to appeal.