



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *R. T. v Canada Employment Insurance Commission*, 2019 SST 1469

Tribunal File Number: AD-19-859

BETWEEN:

R. T.

Applicant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION

Appeal Division

Leave to Appeal Decision by: Stephen Bergen

Date of Decision: December 27, 2019

DECISION AND REASONS

DECISION

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

OVERVIEW

[2] The Applicant, R. T. (Claimant), left her job because she felt stressed by her working environment and because she believed the employer was about to fire her. She applied for Employment Insurance benefits but the Respondent, the Canada Employment Insurance Commission (Commission), denied her application. The Commission found that she had voluntarily left her employment without just cause, and it maintained this decision when it was asked to reconsider.

[3] The Claimant's appeal to the General Division of the Social Security Tribunal was dismissed and she now seeks leave (permission) to appeal to the Appeal Division.

[4] The Claimant has no reasonable chance of success. The Claimant has not made out an arguable case that the General Division ignored or misunderstood evidence that was relevant to its decision.

WHAT GROUNDS CAN I CONSIDER FOR THE APPEAL?

[5] To allow the appeal process to move forward, I must find that there is a "reasonable chance of success" on one or more of the "grounds of appeal" found in the law. A reasonable chance of success means that there is a case that the Claimant could argue and possibly win.¹

[6] "Grounds of appeal" means reasons for appealing. I am only allowed to consider whether the General Division made one of these types of errors:²

1. The General Division hearing process was not fair in some way.

¹ This is explained in a case called *Canada (Minister of Human Resources Development) v Hogervorst*, 2007, FCA 41; and in *Ingram v Canada (Attorney General)*, 2017 FC 259.

² This is a plain-language version of the three grounds. The full text is in section 58(1) of the *Department of Employment and Social Development Act*.

2. The General Division did not decide an issue that it should have decided. Or, it decided something it did not have the power to decide.
3. The General Division based its decision on an important error of fact.
4. The General Division made an error of law when making its decision.

ISSUE

[7] Is there an arguable case that the General Division misunderstood the Claimant's evidence that she was about to get fired?

ANALYSIS

Was the employer about to fire the Claimant?

[8] In her request for leave to appeal, the Claimant discussed the significance of having her keys brought to her in her meeting with her manager and the human resources (HR) associate. She argued that this is evidence she was being fired.

[9] However, she has not pointed to any evidence that was ignored or misunderstood. According to the Claimant's testimony, the employer was conducting an investigation into an allegation against the Claimant. When the Claimant was interviewed, she became upset and walked out on the meeting. The Claimant's manager and the HR associate both followed her to her desk where the Claimant was gathering her belongings, including her purse and knapsack. The manager told the HR associate to bring the Claimant's car keys also. Then they all returned to the office in which the interview had begun and returned to their discussion. Within moments, the Claimant stated that she did not expect the others to believe her, and that she had to go. She put her access badge down on the desk and left the offices of her employer.

[10] The General Division considered the Claimant's argument that she would have been fired if she had not quit. It found that the Claimant had assumed that she was about to be fired, but that this was not supported by the evidence. The General Division referred to both the employer's and the Claimant's statements to the Commission, confirming that the employer had not spoken to the Claimant about any kind of discipline.

[11] There is no arguable case that the General Division made an error by finding that there was insufficient evidence to support the Claimant's belief that she was about to be fired on the day she quit.

[12] The Claimant did not specifically dispute any other General Division. However, in decisions such as *Karadeolian v. Canada (Attorney General)*³, the Federal Court has directed the Appeal Division to look beyond the stated grounds of appeal.

[13] I have reviewed the appeal record searching for an arguable case that the General Division may have ignored or overlooked evidence, or made findings of fact that were inconsistent with the evidence. The General Division considered the circumstances that led the Claimant to believe that her working environment was toxic,⁴ and it assessed the reasonable alternatives available to the Claimant in light of those circumstances.⁵ I am unable to find an arguable case that the General Division made any important error of fact by ignoring or misunderstanding the evidence, or that its findings were contrary to the evidence.

[14] I understand that the Claimant disagrees with the General Division's findings and its conclusion. However, it is not my role to reassess or reweigh the evidence.⁶ The appeal could only possibly succeed if the General Division made one of the kinds of errors I have described above as a ground of appeal. However, the Claimant has not made an arguable case that the General Division made any of those errors.

[15] The Claimant has no reasonable chance of success on appeal.

CONCLUSION

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

Stephen Bergen
Member, Appeal Division

³ *Karadeolian v. Canada (Attorney General)*, 2016 FC 615.

⁴ General Division decision, para 11

⁵ General Division decision, para 15

⁶ *Tracey v. Canada (Attorney General)*, 2015 FC 1300

REPRESENTATIVES:	R. T., Self-represented.
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