



[TRANSLATION]

Citation: *LG v Canada Employment Insurance Commission*, 2022 SST 466

## **Social Security Tribunal of Canada Appeal Division**

# **Leave to Appeal Decision**

**Applicant:** L. G.

**Respondent:** Canada Employment Insurance Commission

---

**Decision under appeal:** General Division decision dated  
February 25, 2022 (GE-22-169)

---

**Tribunal member:** Jude Samson

**Decision date:** June 3, 2022

**File number:** AD-22-183

## Decision

[1] Permission (leave) to appeal is refused. The appeal won't proceed.

## Overview

[2] L. G. is the Claimant in this case. He stopped working in June 2021 for medical reasons. He then applied for Employment Insurance (EI) sickness benefits. The Canada Employment Insurance Commission (Commission) approved his application and paid him benefits for 15 weeks.

[3] The Claimant says that he is entitled to EI benefits—whether regular benefits or sickness benefits—for 50 weeks. But the Commission refused to pay him any more benefits.

[4] The Claimant appealed the Commission's decision to the Tribunal's General Division, but it dismissed his appeal. In short, the General Division made the following findings:

- The Claimant received 15 weeks of sickness benefits, which is the maximum number of weeks allowed under the law.<sup>1</sup>
- The Claimant isn't entitled to EI regular benefits, since he is unable to work.<sup>2</sup>

[5] The Claimant now wants to appeal the General Division decision to the Appeal Division. Before the case can move forward, I must first decide whether to give permission to appeal.

[6] I find that the Claimant's appeal has no reasonable chance of success. I have no choice, then, but to refuse permission to appeal.

---

<sup>1</sup> Section 12(3)(c) of the *Employment Insurance Act* (Act) sets out the maximum number of weeks of sickness benefits that may be paid.

<sup>2</sup> Section 18(1)(a) of the Act says that, to be entitled to be paid benefits, you have to be capable of work.

## Issue

[7] In this decision, the issue before me is this: Has the Claimant raised an arguable case that gives the appeal a reasonable chance of success?

## Analysis

[8] Appeal Division files follow a two-step process. This appeal is at step one: permission to appeal.

[9] The legal test that the Claimant needs to meet at this step is low: Has he raised an arguable case that gives the appeal a reasonable chance of success?<sup>3</sup> If the appeal has no reasonable chance of success, then I must refuse permission to appeal.<sup>4</sup>

### **The appeal has no reasonable chance of success**

[10] The Appeal Division can intervene in this case only if the General Division made an error under the law.<sup>5</sup>

[11] In his notice of appeal, the Claimant argued that the General Division had made an important error of fact. But he didn't elaborate.

[12] So, the Tribunal asked the Claimant to explain in detail why he wanted to appeal the General Division decision.<sup>6</sup> The Claimant responded to the letter by providing X-rays that show why he can't work right now.

[13] In its decision, the General Division acknowledged that the Claimant is unable to work for medical reasons. That isn't in dispute. It is very clear that the General Division made no error in this regard. As a result, this argument doesn't give the appeal a reasonable chance of success. It is bound to fail.

---

<sup>3</sup> See *Osaj v Canada (Attorney General)*, 2016 FC 115; and *Ingram v Canada (Attorney General)*, 2017 FC 259.

<sup>4</sup> This is the legal test described in section 58(2) of the *Department of Employment and Social Development Act* (DESD Act).

<sup>5</sup> These errors (or "grounds of appeal") are listed under section 58(1) of the DESD Act.

<sup>6</sup> See the Tribunal's March 31, 2022, letter.

[14] Regardless of this finding, I can't just look at the specific ground of appeal that the Claimant has raised.<sup>7</sup> So, I have reviewed the documents on file and examined the decision under appeal. But I haven't noted other reasons to give permission to appeal.

## **Conclusion**

[15] I find that the Claimant's appeal has no reasonable chance of success. I have no choice, then, but to refuse permission to appeal. This means that the appeal won't proceed.

Jude Samson  
Member, Appeal Division

---

<sup>7</sup> The Federal Court has said that I must do this in *Griffin v Canada (Attorney General)*, 2016 FC 874; and *Karadeolian v Canada (Attorney General)*, 2016 FC 615.