



Citation: *ZT v Canada Employment Insurance Commission*, 2023 SST 905

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

**Leave to Appeal Decision**

**Applicant:** Z. T.

**Respondent:** Canada Employment Insurance Commission

---

**Decision under appeal:** General Division decision dated April 28, 2023  
(GE-23-675)

---

**Tribunal member:** Pierre Lafontaine

**Decision date:** July 12, 2023

**File number:** AD-23-598

## Decision

[1] Leave to appeal is refused. This means the appeal will not proceed.

## Overview

[2] The Applicant (Claimant) applied for regular EI benefits on March 24, 2020. He received the EI Emergency Response Benefit (ERB) from March 22, 2020, until October 3, 2020. Effective October 4, 2020, the Canada Employment Insurance Commission (Commission) automatically converted the ERB benefit to regular EI benefits.

[3] The Commission decided that the Claimant could receive 45 weeks of regular EI benefits. In addition, the Claimant received an additional five weeks of regular benefits under COVID-19 temporary measures. The Commission paid the Claimant EI regular benefits from October 4, 2020, to September 18, 2021.

[4] Upon reconsideration, the Commission maintained its initial decision. The Claimant appealed the reconsideration decision to the General Division.

[5] The General Division determined that the Claimant was not entitled to receive more than 50 weeks of regular EI benefits.

[6] The Claimant now seeks leave to appeal of the General Division's decision to the Appeal Division. He is seeking fairness and social justice. The Claimant submits that he has contributed to the EI program for 30 years. That makes EI benefits his private asset. He submits that the government has stolen the EI benefits he is entitled to receive until he finds a job. The Claimant is unhappy with government actions that have brought poverty and misery to his family.

[7] I must decide whether there is some reviewable error of the General Division upon which the appeal might succeed.

[8] I am refusing leave to appeal because the Claimant's appeal has no reasonable chance of success.

## Issue

[9] Does the Claimant raise some reviewable error of the General Division upon which the appeal might succeed?

## Analysis

[10] Section 58(1) of the *Department of Employment and Social Development Act* specifies the only grounds of appeal of a General Division decision. These reviewable errors are that:

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

[11] An application for leave to appeal is a preliminary step to a hearing on the merits. It is an initial hurdle for the Claimant to meet, but it is lower than the one that must be met on the hearing of the appeal on the merits. At the leave to appeal stage, the Claimant does not have to prove his case but must establish that the appeal has a reasonable chance of success based on a reviewable error. In other words, that there is arguably some reviewable error upon which the appeal might succeed.

[12] Therefore, before I can grant leave, I need to be satisfied that the reasons for appeal fall within any of the above-mentioned grounds of appeal and that at least one of the reasons has a reasonable chance of success.

**Does the Claimant raise some reviewable error of the General Division upon which the appeal might succeed?**

[13] The Claimant is seeking fairness and social justice. He submits that he has contributed to the EI program for 30 years. That makes EI benefits his private asset. He submits that the government has stolen the EI benefits he is entitled to receive until he finds a job. The Claimant is unhappy with government actions that have brought poverty and misery to his family.

[14] The General Division had to decide whether the Claimant was entitled to receive more than 50 weeks of regular EI benefits.

[15] The General Division found that the Claimant had 1820 hours of insured employment in his qualifying period from March 24, 2019, to October 3, 2020, and that at the time of his application, the rate of unemployment in his region of residence (Toronto) was 13.7%.

[16] The General Division found that the Commission correctly calculated the Claimant's benefit period to be a maximum of 45 weeks.<sup>1</sup> The addition of the extra five weeks under the COVID-19 emergency measures brings the total number of weeks of regular benefits to 50 weeks. Under the EI law, that is the maximum number of weeks of regular EI benefits the Claimant was entitled to receive, and which he did receive.

[17] As concluded by the General Division, the schedule is based on the number of hours of insurable employment in a qualifying period, adjusted to the regional rate of unemployment at the place of residence of the claimant. This pure mathematical formula was properly applied in the present case.

[18] Although I sympathize with the Claimant, the Tribunal is bound by the applicable legislation. Neither the General Division nor the Appeal Division has the power to deviate from the EI insurance rules established by Parliament for the granting of benefits, even for compassionate reasons.

---

<sup>1</sup> See section 12(2) of the *Employment Insurance Act* and Schedule 1.

[19] After reviewing the appeal docket and the General Division's decision as well as considering the Claimant's arguments in support of his request for leave to appeal, I have no choice but to find that the appeal has no reasonable chance of success.

## **Conclusion**

[20] Leave to appeal is refused. This means the appeal will not proceed.

Pierre Lafontaine  
Member, Appeal Division