



[TRANSLATION]

Citation: *ZS v Canada Employment Insurance Commission*, 2024 SST 228

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

# **Leave to Appeal Decision**

**Applicant:** Z. S.

**Respondent:** Canada Employment Insurance Commission

---

**Decision under appeal:** General Division decision dated  
February 1, 2024(GE-23-3330)

---

**Tribunal member:** Pierre Lafontaine

**Decision date:** March 6, 2024

**File number:** AD-24-115

## Decision

[1] Permission to appeal is not granted. The appeal will not proceed.

## Overview

[2] The Applicant (Claimant) stopped working and applied for Employment Insurance (EI) benefits. The Respondent (Commission) reviewed the reasons for the separation of employment. It decided that the Claimant voluntarily left (or chose to quit) her job without just cause. As a result, the Commission could not pay her benefits.

[3] The Claimant asked the Commission to reconsider this decision, but it upheld its initial decision. She appealed the reconsideration decision to the General Division.

[4] The General Division found that the Claimant chose to leave her job because the employer did not give her enough hours to work. The General Division found that the Claimant had reasonable alternatives to leaving her job. She could have kept her job while looking for work.

## Issue

[5] Does the Claimant's appeal have a reasonable chance of success based on a reviewable error the General Division may have made?

## Analysis

[6] The law specifies the only grounds of appeal of a General Division decision.<sup>1</sup> These reviewable errors are the following:

1. The General Division hearing process was not fair in some way.
2. The General Division did not decide an issue it should have decided. Or, it decided something it did not have the power to decide.

---

<sup>1</sup> See section 58(1) of the *Department of Employment and Social Development Act*.

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.

[7] An application for permission 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 permission to appeal stage, the Claimant does not have to prove her case; she must instead establish that her appeal has a reasonable chance of success. In other words, she must show that there is arguably a reviewable error based on which the appeal might succeed.

[8] I will give permission to appeal if I am satisfied that at least one of the Claimant's stated grounds of appeal gives the appeal a reasonable chance of success.

## **I am not giving permission to appeal to the Claimant**

[9] The Claimant argues that she never voluntarily left her job, but that her employer was not offering her enough hours because of the pandemic. She was always available and able to work. She applied for benefits because she had no income to survive, pay her bills, and attend school.

[10] The issue before the General Division was whether the Claimant voluntarily left her job without just cause under the *Employment Insurance Act*. This has to be determined based on the circumstances that existed when she left.

[11] The General Division found that the Claimant chose to leave her job. She had the choice to stay at her job but decided to leave because she was not satisfied with her hours of work. The General Division found that the Claimant had reasonable alternatives to leaving her job. It found that the Claimant could have kept her job while looking for work. The General Division found that the Claimant did not have just cause for leaving her job when she did.

[12] As the General Division decided, a reasonable alternative would have been for the Claimant to look for another job while keeping her job. The Claimant could not

decide to leave her job to rely on the EI program, which was created to help people who become unemployed through no fault of their own.

[13] In my view, the General Division correctly stated the legal test for voluntary leaving. It applied this test to the facts of this case and looked at whether, after considering all of the circumstances, the Claimant had no reasonable alternative to leaving her job.

[14] After reviewing the appeal file, the General Division decision, and the arguments in support of the application for permission to appeal, I have no choice but to find that the appeal has no reasonable chance of success.

## **Conclusion**

[15] Permission to appeal is not granted. This means that the appeal will not proceed.

Pierre Lafontaine  
Member, Appeal Division