



Citation: *MK v Canada Employment Insurance Commission*, 2025 SST 51

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

# **Leave to Appeal Decision**

**Applicant:** M. K.

**Respondent:** Canada Employment Insurance Commission

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**Decision under appeal:** General Division decision dated December 19, 2024  
(GE-24-3362)

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**Tribunal member:** Glenn Betteridge

**Decision date:** January 23, 2025

**File number:** AD-25-46

## Decision

[1] Leave (permission) to appeal is refused. The appeal won't go forward.

## Overview

[2] M. K. (Claimant) made a claim for Employment Insurance (EI) regular benefits.<sup>1</sup>

[3] The Canada Employment Insurance Commission (Commission) refused to pay him benefits. It says he quit his job without just cause. So according to section 30(1) of the *Employment Insurance Act* (EI Act), he was disqualified from getting regular benefits.

[4] This Tribunal's General Division dismissed his appeal.

[5] To get permission to appeal the General Division decision, the Claimant has to show his appeal has a reasonable chance of success. Unfortunately, he hasn't.

## Issue

[6] I have to decide whether the Claimant's appeal has a reasonable chance of success.

## I am not giving the Claimant permission to appeal

[7] I read the Claimant's application to appeal.<sup>2</sup> I read the General Division decision. And I reviewed the documents in the General Division file.<sup>3</sup> I didn't listen to the hearing recording. The Claimant's application didn't make me think I had to do that to make a justifiable, acceptable, and defensible decision.

[8] For the reasons that follow, I am not giving the Claimant permission to appeal.

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<sup>1</sup> See paragraphs 3 to 6 of the General Division decision for more background facts.

<sup>2</sup> See AD1.

<sup>3</sup> See GD2, GD3, GD4, GD6, and GD7.

## **The Claimant hasn't shown an arguable case the General Division made an error, and I didn't find an arguable case**

[9] I can give the Claimant permission to appeal if he shows an arguable case the General Division made an error.<sup>4</sup>

- It used an unfair process or was biased.<sup>5</sup>
- It used its decision-making power improperly, called a jurisdictional error.
- It made an important factual error.
- It made a legal error.

[10] I have to start by considering the errors the Claimant set out in his application.<sup>6</sup> And because the Claimant is self-represented, I should not mechanistically apply the permission to appeal test.<sup>7</sup>

[11] The Claimant says the General Division made an important factual error. But he didn't say what the error is. He provides a list of facts in his application—about what happened around the time he quit. He doesn't refer to the General Division decision.

[12] It seems he is trying to reargue his General Division appeal, hoping for a different outcome.

[13] The leave to appeal process isn't a do-over of his General Division appeal. He has to show an arguable case the General Division made an error. Where a claimant doesn't explain or give details about alleged errors, their appeal has no reasonable chance of success.<sup>8</sup> And simply disagreeing with the General Division's findings, or the

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<sup>4</sup> See section 58(2) of the *Department of Employment and Social Development Act* (DESD Act). The Federal Court has said an appeal has a reasonable chance of success where there is an arguable case the General Division made an error/. See *Brown v Canada (Attorney General)*, 2024 FC 1544 at paragraph 41, citing *Osaj v Canada (Attorney General)*, 2016 FC 115 at paragraph 12.

<sup>5</sup> The bullets are the grounds of appeal in section 58(1) of the DESD Act. I call them errors.

<sup>6</sup> See *Twardowski v Canada (Attorney General)*, 2024 FC 1326 at paragraph 26. The Federal Court has said this in decisions like *Griffin v Canada (Attorney General)*, 2016 FC 874; *Karadeolian v Canada (Attorney General)*, 2016 FC 615; and *Joseph v Canada (Attorney General)*, 2017 FC 391.

<sup>8</sup> See *Twardowski v Canada (Attorney General)*, 2024 FC 1326 at paragraph 59.

outcome of the appeal, doesn't show an arguable case the General Division made an error.<sup>9</sup>

[14] I reviewed the General Division decision and file.

[15] I didn't find an arguable case the General Division made a jurisdictional error. It correctly identified the legal issue and two questions it had to decide (paragraphs 10 and 11). Then it decided only that issue and those questions.

[16] I didn't find an arguable case the General Division made a legal error. It correctly set out the legal tests it had to apply in a voluntary leaving appeal (paragraphs 13, 16 to 18, and 39 to 43). Then it used those tests to decide his appeal. And its reasons are more than adequate.

[17] The Claimant hasn't argued the General Division hearing or process was unfair. And nothing I read or reviewed suggested the General Division used an unfair process or wasn't impartial. So there isn't an arguable case the General Division made a procedural fairness error.

[18] Finally, there isn't an arguable case the General Division ignored or misunderstood relevant evidence.

[19] The General Division reviewed the relevant evidence about whether the Claimant quit (paragraphs 18 to 32). Then it weighed that evidence and made its findings (paragraphs 33 to 37).

[20] The General Division reviewed the relevant evidence about the circumstances that existed when he quit and reasonable alternatives to quitting (paragraphs 47 and 48, 51, 52, 58, 63, 67, 68, 70, 74 to 76, 78, and 79). Then it weighed that evidence and made its findings on these questions (paragraphs 50, 54 to 57, 59, 60, 64, 65, 69, 71, 77, and 79 to 81).

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<sup>9</sup> See *Griffin v Canada (Attorney General)*, 2016 FC 874 at paragraph 20.

[21] The relevant evidence supports the General Division's decision that the Claimant quit his job even though he had reasonable alternatives in the circumstances. I understand the Claimant doesn't agree. But that doesn't show an arguable case the General Division made an important factual error.

## **Conclusion**

[22] The Claimant hasn't shown an arguable case the General Division made an error. And I didn't find an arguable case.

[23] This means I can't give him permission to appeal.

Glenn Betteridge  
Member, Appeal Division