



Citation: *JB v Canada Employment Insurance Commission*, 2025 SST 148

Social Security Tribunal of Canada Appeal Division

Leave to Appeal Decision

Applicant: J. B.

Respondent: Canada Employment Insurance Commission

Decision under appeal: General Division decision dated January 28, 2025
(GE-24-4001)

Tribunal member: Glenn Betteridge

Decision date: February 19, 2025

File number: AD-25-104

Decision

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

Overview

[2] J. B. is the Claimant. He left his job as a painter at a work camp then renewed his claim for EI benefits.

[3] The Canada Employment Insurance Commission (Commission) decided he didn't have just cause for leaving his job. So it disqualified him from getting regular benefits.

[4] He asked the Commission to reconsider. He said he had appointments he had to go to back home in November. He says he only agreed to work until the end of October and that's what his contract said. He didn't expect his employer to schedule him for work in November. So he had no choice but to leave.

[5] The Commission upheld its decision. He appealed to this Tribunal's General Division.

[6] The General Division decided he didn't have just cause for leaving his job because he had reasonable alternatives. So it dismissed his appeal on that issue (paragraph 1).¹

[7] 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

[8] Does the Claimant's appeal have a reasonable chance of success?

¹ The General Division granted his appeal on the availability issue.

I am not giving the Claimant permission to appeal

[9] I read the Claimant's application to appeal.² I read the General Division decision. I reviewed the documents about the voluntary leaving issue in the General Division file.³ And I listened to the hearing recording.

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

The permission to appeal test

[11] I can give permission if the Claimant's appeal has a reasonable chance of success.⁴ This means the Claimant has to show there is an **arguable ground** upon which his appeal **might succeed**.⁵

[12] The law lets me consider four grounds of appeal, which I will call **errors**.⁶ The General Division

- used an unfair process or was biased (a procedural fairness error)
- didn't use its decision-making power properly (a jurisdictional error)
- made a legal error
- made an important factual error

[13] I will start by considering the Claimant's reasons for appeal.⁷ His reasons set out the key issues and central arguments I have to consider.⁸

² See AD1.

³ See GD2, GD3A, and GD4A.

⁴ See section 58(2) of the *Department of Employment and Social Development Act* (DESD Act).

⁵ See *Osaj v Canada (Attorney General)*, 2016 FC 115.

⁶ The bullets are the grounds of appeal in section 58(1) of the DESD Act. I call them errors.

⁷ See *Twardowski v Canada (Attorney General)*, 2024 FC 1326 at paragraph 26.

⁸ See *Hazaparu v Canada (Attorney General)*, 2024 FC 928 at paragraph 13.

The Claimant hasn't pointed to evidence the General Division misunderstood or ignored

[14] The Claimant checked the box that says the General Division made an important error of fact.⁹ But his reasons show me he is trying to re-argue his General Division appeal. He is telling his story again and arguing why he was justified quitting his job.

[15] He doesn't point to any evidence the General Division got wrong, in other words, misunderstood or ignored.

[16] Unfortunately for the Claimant, the Appeal Division has a different job from the General Division.

[17] The Appeal Division isn't a do-over. At the permission to appeal stage, I can't reweigh the evidence. When a claimant doesn't explain or give details about an alleged error, that ground of appeal has no reasonable chance of success.¹⁰ And simply disagreeing with the outcome of the appeal doesn't show an arguable case the General Division made an error.¹¹

I didn't find an error that shows the Claimant's appeal has a reasonable chance of success

[18] Because the Claimant is representing himself, I looked beyond his arguments to see if his appeal has a reasonable chance of success.¹²

– No arguable case of an important factual error

[19] I reviewed the documents in the General Division file and listened to the hearing. I didn't find the General Division arrived at a finding of fact by misunderstanding or ignoring relevant evidence.

⁹ See AD1-3.

¹⁰ See *Twardowski v Canada (Attorney General)*, 2024 FC 1326 at paragraph 59.

¹¹ See *Griffin v Canada (Attorney General)*, 2016 FC 874 at paragraph 20.

¹² 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.

[20] The General Division didn't set out the evidence in detail. But I can presume the General Division reviewed all the evidence—it doesn't have to refer to every piece of evidence.¹³

[21] The General Division reviewed and summarized the relevant evidence (paragraphs 4, 5, 11, 17, 18, 19, and 22). And the relevant evidence in the record supports the General Division's finding the Claimant had a reasonable alternative to quitting in the circumstances (paragraph 17).

[22] So there isn't an arguable case the General Division made an important factual error.

– **No arguable case of a procedural fairness error or a legal error**

[23] The Claimant didn't argue the General Division process or hearing was unfair to him, or the member was biased. And nothing in the General Division documents or hearing recording suggested that. So there isn't an arguable case it made a procedural fairness error.

[24] The General Division set out the correct legal test to decide the voluntary leaving issue (paragraphs 10, and 12 to 16). Then it used that test. And its reasons are adequate. So there isn't an arguable case it made a legal error.

Conclusion

[25] The Claimant hasn't shown an arguable ground upon which his appeal might succeed. And I didn't find an arguable ground. In other words, his appeal doesn't have a reasonable chance of success.

[26] This means I can't give him permission to appeal the General Division decision.

Glenn Betteridge
Member, Appeal Division

¹³ See *Sibbald v Canada (Attorney General)*, 2022 FCA 157 at paragraph 46.