



Citation: *TK v Canada Employment Insurance Commission*, 2025 SST 249

Social Security Tribunal of Canada Appeal Division

Leave to Appeal Decision

Applicant: T. K.

Respondent: Canada Employment Insurance Commission

Decision under appeal: General Division decision dated March 11, 2025
(GE-25-411)

Tribunal member: Glenn Betteridge

Decision date: March 19, 2025

File number: AD-25-201

Decision

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

Overview

[2] T. K. is the Claimant. He wants to appeal a General Division decision. Unfortunately, I can't give him permission because his appeal doesn't have a reasonable chance of success.

[3] The Claimant quit his job to upgrade his education and skills.

[4] The Canada Employment Insurance Commission refused to pay him benefits because it says he voluntarily left his job but didn't have just cause for doing that.¹

[5] The General Division dismissed his appeal of the Commission's decision. And there isn't an arguable case it made an error when it did that.

Issue

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

I am not giving the Claimant permission to appeal

[7] I read the Claimant's application to appeal.² I read the General Division decision. I reviewed the documents in the General Division file.³ Then I made my decision.

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

¹ See sections 29(c) and 30(1) of the *Employment Insurance Act*.

² See AD1.

³ See GD2, GD3, GD4, and GD4.

The permission to appeal test screens out appeals that don't have a reasonable chance of success⁴

[9] I can give the Claimant permission to appeal if his appeal has a reasonable chance of success.⁵ This means he has to show an **arguable ground of appeal** upon which his appeal **might succeed**.⁶

[10] I can consider four grounds of appeal, which I call **errors**.⁷ The General Division

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

[11] The Claimant's reasons for appeal set out the key issues and central arguments I have to consider.⁸ Because the Claimant is representing himself, I will also look beyond his arguments when I apply the permission to appeal test.⁹

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

[12] The Claimant checked the box that says the General Division made an important factual error. But he hasn't explained that error. And he doesn't refer to the General Division decision.

[13] The Claimant's grounds for appeal show me he disagrees with the outcome of his appeal, and he disagrees with the law. He wants EI to be a personal education

⁴ See *Paradis v Canada (Attorney General)*, 2016 FC 1282 at paragraph 32.

⁵ See section 58(2) of the *Department of Employment and Social Development Act* (DESD Act).

⁶ See *Osaj v Canada (Attorney General)*, 2016 FC 115.

⁷ See section 58(1) of the DESD Act.

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

⁹ The Federal Court has said the Appeal Division should not apply the leave to appeal test mechanistically and should review the General Division record. See for example *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.

savings account he withdraws money from to pursue education of his choosing. But it's not. It's an insurance program for people who are involuntarily unemployed. EI will pay benefits when the Commission (or a designated authority) refers a person for education or training and gives them permission to leave their job. But he wasn't referred and didn't have permission to quit.

[14] So the Claimant is using the Appeal Division process to reargue his General Division appeal, hoping for a different outcome. And to say that he feels disrespected by the government. But the Appeal Division process isn't a do-over of the General Division process. And the General Division and the Appeal Division have to apply the law—they have no power to change it.

[15] The Claimant's reasons don't show an arguable case the General Division ignored or misunderstood any relevant evidence. The Claimant and the Commission agreed on the relevant evidence. He quit his job to go back to school to improve his career prospects and earning potential. The Commission didn't refer him to his program of study or give him permission to quit. There were no other relevant circumstances that existed at the time he quit.

[16] The General Division set out and used the correct legal test from the *Employment Insurance Act* and decided court cases. This settled law says a person doesn't have just cause when they quit a job to go to school if the Commission didn't refer them and give them permission to leave their job.

[17] In other words, the General Division applied settled law to uncontested facts to reach its decision. And there isn't an arguable case it made an error when it did that.

Conclusion

[18] The Claimant hasn't shown an arguable case the General Division made an error that might change the outcome in his appeal. And I didn't find an arguable case.

[19] This tells me his appeal doesn't have a reasonable chance of success. So I can't give him permission to appeal the General Division decision.

Glenn Betteridge
Member, Appeal Division