



Citation: *KG v Canada Employment Insurance Commission*, 2025 SST 307

Social Security Tribunal of Canada Appeal Division

Leave to Appeal Decision

Applicant: K. G.

Respondent: Canada Employment Insurance Commission

Decision under appeal: General Division decision dated February 21, 2025
(GE-25-355)

Tribunal member: Elizabeth Usprich

Decision date: March 31, 2025

File number: AD-25-193

Decision

[1] Leave (permission) to appeal is refused. The appeal will not proceed.

Overview

[2] K. G. is the Applicant. He applied for Employment Insurance (EI) benefits in November 2024.

[3] The Canada Employment Insurance Commission (Commission) decided the Applicant didn't qualify for EI benefits because he didn't have enough hours in his qualifying period. The Applicant asked the Commission to reconsider but it didn't change its mind.

[4] The Applicant appealed to the Social Security Tribunal (Tribunal) General Division. The Applicant argued it was weather events that prevented him from working. The General Division agreed with the Commission.

[5] The Applicant has asked for permission to appeal to the Appeal Division. I am denying the Applicant's request for permission to appeal because there is no reasonable chance of success.

Issue

[6] Is there an arguable case that the General Division made an error of law?

I am not giving the Applicant permission to appeal

[7] An appeal can only go ahead if the Appeal Division gives an applicant permission to appeal.¹ I have to be satisfied that the appeal has a reasonable chance of success.² There has to be an arguable ground upon which the appeal might succeed.³

¹ See section 56(1) of the Department of *Employment and Social Development Act* (DESD Act).

² See section 58(2) of the DESD Act.

³ See *Hazaparu v Canada (Attorney General)*, 2024 FC 928 at paragraph 13; *O'Rourke v Canada (Attorney General)*, 2018 FC 498; *Osaj v Canada (Attorney General)*, 2016 FC 115 at paragraph 12; and *Ingram v Canada (Attorney General)*, 2017 FC 259 at paragraph 16.

[8] There are only certain grounds of appeal that the Appeal Division can consider.⁴ Briefly, the Applicant has to show the General Division did one of the following:

- It acted unfairly in some way.
- It decided an issue it shouldn't have, or didn't decide an issue it should have. This is also called an error of jurisdiction.
- It made an error of law.
- It based its decision on an important error of fact.

[9] So, for the Applicant's appeal to go ahead, I have to find there is a reasonable chance of success on any of those grounds. The Applicant says there is an error of law because it wasn't his, or his employer's fault, that he couldn't work due to weather conditions.

The General Division didn't make an error of law as it applied the correct test to the facts of the case

[10] The Applicant says the General Division made an error of law. The Applicant says he's appealing the decision because it isn't his fault, or his employer's fault, that he doesn't have enough hours to qualify for EI benefits.

[11] To qualify for EI benefits different criteria must be met. In this case, it's about whether the Applicant had enough hours to qualify for EI benefits.

[12] The number of hours a claimant needs to qualify for EI benefits is dependent on the unemployment rate in the claimant's region.⁵ In this case, it was determined that the

⁴ See section 58(1) of the DESD Act. The grounds listed are also known as errors.

⁵ See the General Division decision at paragraph 11. The Regional Rate was 6.5% in London, Ontario. The Applicant agreed this was correct listen to the General Division hearing recording at 00:18:44.

Applicant needed 665 hours to qualify.⁶ The Applicant didn't dispute this. But the Applicant only had 621 hours of insurable hours in his qualifying period.⁷

[13] The General Division correctly identified the legal test.⁸ It carefully considered the facts of the case. It then applied the law to the facts. Here, the General Division decided the Applicant needed 665 hours to qualify for EI benefits, but he only had 621. So, the General Division decided the Applicant couldn't qualify for EI benefits.

[14] The Applicant seems to be arguing that because the weather prevented him from working it isn't his, or his employer's fault, and therefore he should still get EI benefits. Unfortunately, the law doesn't allow those things to be considered. There is no provision in the law that allows personal circumstances to give additional hours for qualifying.⁹

[15] There isn't an arguable case that the General Division made an error of law. It correctly identified the law and applied it properly to the facts.

– **There are no additional errors in the General Division decision**

[16] I haven't found any reviewable error that the General Division may have made.¹⁰ Because the Applicant is self-represented, I took my own look at the appeal. I have reviewed the file, listened to the hearing recording, and looked at the decision the Applicant is appealing.

Conclusion

[17] Permission to appeal is refused. This means that the appeal will not proceed.

Elizabeth Usprich
Member, Appeal Division

⁶ See the General Division decision at paragraph 14.

⁷ See GD3-15, the Applicant's Record of Employment in the Commission's Reconsideration File. Also, listen to the General Division hearing recording at 00:19:02.

⁸ See the General Division decision at paragraphs 8 to 12.

⁹ See the General Division decision at paragraph 28. The General Division noted correctly that it had to apply the law as it's written.

¹⁰ The Federal Court has said I must do this in decisions like *Griffin v Canada (Attorney General)*, 2016 FC 874 and *Karadeolian v Canada (Attorney General)*, 2016 FC 615.