[TRANSLATION]

Citation: *SM v Canada Employment Insurance Commission*, 2025 SST 809

Social Security Tribunal of Canada
Appeal Division

Leave to Appeal Decision

Applicant:	S. M.
Respondent:	Canada Employment Insurance Commission

Decision under appeal:	General Division decision dated July 21, 2025 (GE-25-1975)

Tribunal member:	Pierre Lafontaine
Decision date:	August 6, 2025
File number:	AD-25-499

Decision

[1] Permission to appeal is refused. The appeal won't go ahead.

Overview

[2] The Applicant (Claimant) worked for a company specializing in computer system design. On October 21, 2023, she was laid off because of a shortage of work. She applied for Employment Insurance (EI) benefits. A benefit period was established effective October 15, 2023.

[3] In addition to her regular job, she had started doing lunchtime supervision at her daughter's school. She wanted to make sure that her daughter was settling in well. Her job allowed her to do this because she worked from home. She was able to manage her time during her lunch break.

[4] On October 27, 2023, the Claimant decided to stop doing supervision duty at her daughter's school. After 13 hours of work, the Claimant found that her daughter was settling in well and she wanted to be available to look for a new job in her field.

[5] On November 7, 2023, the school board issued a Record of Employment (ROE) indicating "voluntary leaving."

[6] After an investigation, the Respondent (Commission) found that the Claimant didn't have just cause for leaving her childcare job because she had reasonable alternatives to leaving. The Commission determined that a reasonable alternative would have been to keep her job while she looked for another one.

[7] The Claimant asked the Commission to reconsider this decision. The Commission upheld its initial decision on reconsideration. The Claimant appealed to the Tribunal's General Division.

[8] The General Division found that the Claimant voluntarily left her job. It found that the Claimant had a reasonable alternative to leaving—she could have kept her job while

she looked for another one. The General Division found that the Claimant didn't have just cause for voluntarily leaving under the law.

[9] The Claimant is now asking the Appeal Division for permission to appeal the General Division decision. She repeated that this wasn't the type of job she usually had. She worked only a few hours at the school board to help her daughter settle in. She said that those few hours of supervision work would not have been enough to support herself. She also had to be available to find a suitable job.

Preliminary matters

[10] It is well established that I have to consider the evidence presented before the General Division in deciding this application for permission to appeal.[1]

[11] The General Division had to decide the voluntary leaving issue based on the parties' evidence.

Issue

[12] The law specifies the only grounds of appeal of a General Division decision. These reviewable errors are the following:

1. The General Division hearing process wasn't fair in some way.
2. The General Division didn't decide an issue it should have decided. Or it decided something it didn't have the power to decide.
3. The General Division based its decision on an important error of fact.
4. The General Division made an error of law in making its decision.

[13] 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 at the hearing of the appeal on the merits. At the permission to appeal stage, the Claimant doesn't have to prove her case. Instead, she has to establish that

[1] See *Sibbald v Canada (Attorney General)*, 2022 FCA 157.

her appeal has a reasonable chance of success. In other words, she has to show that there is arguably some reviewable error based on which the appeal might succeed.

[14] 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 the Claimant permission to appeal

[15] In support of her application for permission to appeal, the Claimant repeated that this wasn't the type of job she usually had. She worked only a few hours at the school board to help her daughter settle in. She said that those few hours of supervision work would not have been enough to support herself. She also had to be available to find a suitable job.

[16] The issue before the General Division was whether the Claimant had just cause for voluntarily leaving her job under the *Employment Insurance Act* (EI Act).[2]

[17] To decide whether a person had just cause for voluntarily leaving a job, you have to determine whether they had reasonable alternatives to leaving, considering all the circumstances.

[18] The General Division found that the Claimant voluntarily left her job. It found that a reasonable alternative would have been to keep her job until she found a new job.

[19] I see no reviewable error made by the General Division, which followed the Federal Court of Appeal's guidance in *Campeau*.

[20] In that case, the claimant had been working as a cook's helper at the Montreal Youth Centre for over 22 years before she left her job to accompany her husband, whom she had reconciled with. They moved to the Outaouais. The claimant accepted housekeeping work at the rate of $8.50 an hour. Once she began working there, she

[2] See section 29(c) of the *Employment Insurance Act*.

realized that the job was temporary and that she would be working few hours, so there would be little income.

[21] The Federal Court of Appeal found that the claimant should be disqualified from receiving benefits because she had left her job without just cause under the law.

[22] As the General Division noted, the Claimant could have kept her job, received benefits adjusted to her income, and looked for a new job outside of her lunch hour. This was a reasonable alternative for her and for the EI system.

[23] There is no doubt that the result is unfortunate for the Claimant, whose lack of knowledge of the system and inexperience with it were the source of her misadventure. I regret this, but the Tribunal is bound by the EI Act and precedents from the Federal Court of Appeal.

[24] In my view, the General Division correctly set out the applicable legal test for voluntary leaving. It applied this test to the facts of the case and considered whether the Claimant, having considered all the circumstances, had no reasonable alternative to leaving her job.

[25] I have to repeat that an appeal to the Appeal Division isn't an opportunity for the Claimant to present her case again and hope for a different outcome. I find that the Claimant hasn't raised any question of law, fact, or jurisdiction that could justify setting aside the decision under review.

[26] 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

[27] Permission to appeal is refused. This means that the appeal won't go ahead.

Pierre Lafontaine
Member, Appeal Division