



Citation: *GR v Canada Employment Insurance Commission*, 2026 SST 75

Social Security Tribunal of Canada Appeal Division

Leave to Appeal Decision

Applicant: G. R.
Representative: S. R.

Respondent: Canada Employment Insurance Commission

Decision under appeal: General Division decision dated December 19, 2025
(GE-25-3198)

Tribunal member: Stephen Bergen

Decision date: **February 13, 2026**

File number: AD-26-41

Decision

[1] I am refusing leave (permission) to appeal. The appeal will not proceed.

Overview

[2] G. R. is the Applicant. I will call him the Claimant because this application is about his claim for Employment Insurance (EI) benefits. The Respondent is the Canada Employment Insurance Commission, which I will call the Commission.

[3] The Claimant applied for EI benefits and the Commission established a benefit period on January 10, 2021. The Claimant filed claim reports, declaring that he was not working and did not have earnings.

[4] The Commission later learned that the Claimant had been working and had earnings between June 1, 2021, and October 13, 2021, while he was also receiving benefits. It allocated those earnings to the benefit weeks in which they were earned, and it declared an overpayment. It did not impose a penalty.

[5] The Claimant asked the Commission to reconsider but the Commission would not change its decision. Next, he appealed to the General Division of the Social Security Tribunal, which dismissed his appeal. Now he is asking for permission to appeal to the Appeal Division.

[6] I am refusing permission to appeal. The Claimant's appeal does not have a reasonable chance of success.

Issues

[7] Is there an arguable case that the General Division made an error that I can consider?

I am not giving the Claimant permission to appeal

General principles that apply to all leave to appeal applications

[8] For the Claimant's application for leave to appeal to succeed, his reasons for appealing would have to fit within the "grounds of appeal." The grounds of appeal identify the kinds of errors that I can consider.

[9] I may consider only the following errors:

- a) The General Division hearing process was not fair in some way.
- b) The General Division did not decide an issue that it should have decided. Or, it decided something it did not have the power to decide (error of jurisdiction).
- c) The General Division based its decision on an important error of fact.
- d) The General Division made an error of law when making its decision.¹

[10] To grant this application for leave and permit the appeal process to move forward, I must find that there is a reasonable chance of success on one or more grounds of appeal. Other court decisions have equated a reasonable chance of success to an "arguable case."²

Possible errors in General Division decision

[11] The Claimant did not select any of the grounds of appeal described in the application to the Appeal Division form. In his explanation for why he is appealing, he admits that he cannot identify any error in the General Division decision. He said that he was appealing because he had not meant to collect more in EI benefits than he was entitled to receive.

¹ This is a plain-language version of the grounds of appeal. The full text is in section 58(1) of the *Department of Employment and Social Development Act* (DESDA).

² See *Canada (Minister of Human Resources Development) v Hogervorst*, 2007 FCA 41; and *Ingram v Canada (Attorney General)*, 2017 FC 259.

[12] I wrote to the Claimant on January 16, 2026, and I asked him to explain again why he was appealing. My letter restated the errors which made up the grounds of appeal. I informed the Claimant that these were the only reasons I could consider.

[13] I gave the Claimant until January 29, 2026, to respond. At his request, I extended the deadline to February 12, 2026.

[14] The Claimant responded on January 31, 2026. He repeated that he had not intended to claim benefits to which he was not entitled, and he added that the overpayment would cause him financial hardship.

[15] I appreciate that the Claimant and his representative may not be familiar with the Tribunal, the appeal process, or Employment Insurance law. So, despite the fact that the Claimant could not identify any error in the decision, I searched the record for relevant evidence that the General Division may have ignored or misunderstood.³

[16] The record does not support an argument that the General Division may have made an important error of fact. The General Division did not ignore or misunderstand any evidence related to its findings that

- the Commission was within the allotted time to reconsider the benefits it had earlier paid, and that it acted judicially in reconsidering,⁴
- the Claimant was working and had earnings in a time when he was receiving benefits,
- the Claimant falsely reported that he was not working and had no earnings in his claim reports, and,
- the Commission correctly allocated those earnings to weeks of benefits to calculate the overpayment.

[17] Likewise, I see no obvious error of law or of procedural fairness or jurisdiction that could have affected these essential findings.

³ I am following the direction of the Federal Court in decisions such as *Karadeolian v. Canada (Attorney General)*, 2016 FC 615.

⁴ See section 52(5) of the *Employment Insurance Act* (EI Act).

[18] The Claimant appears to be asking me to consider allowing his appeal on compassionate grounds. However, I have no authority to do that. Like the Commission and the General Division, I must apply the law, and the law gives me no discretion to reduce or forgive debts on compassionate grounds.

[19] Under the law, the claimant's earnings had to be allocated, and the allocated resulted in an overpayment. Claimants are liable for overpayments to which they are not entitled, and they are obligated to repay it without delay.⁵

[20] The Claimant's appeal has no reasonable chance of success.

[21] If the repayment is a financial hardship, the Claimant may contact the Canada Revenue Agency to negotiate a repayment schedule, as suggested by the General Division.

Conclusion

[22] I am refusing permission to appeal. This means that the appeal will not proceed.

Stephen Bergen
Member, Appeal Division

⁵ See section 43(b) and section 44 of the EI Act.