



Citation: *AL v Canada Employment Insurance Commission*, 2026 SST 168

Social Security Tribunal of Canada Appeal Division

Leave to Appeal Decision

Applicant: A. L.

Respondent: Canada Employment Insurance Commission

Decision under appeal: General Division decision dated February 4, 2026
(GE-26-11)

Tribunal member: Glenn Betteridge

Decision date: March 9, 2026

File number: AD-26-118

Decision

[1] Leave (permission) to appeal is denied.

[2] This means A. L.'s appeal won't go forward.¹

Overview

[3] A. L. is the Claimant in this case. She has applied for permission to appeal a General Division decision.

[4] The General Division decided two legal issues. The temporary provisions of *Pilot Project No. 24 Establishing Measures to Respond to Major Changes in Economic Conditions* (Pilot Project No. 24) didn't apply to her EI claim.² The Commission correctly calculated the number of weeks of EI benefits she was entitled to. So it dismissed her appeal.

[5] The Claimant says the General Division breached procedural fairness. She's asking the Appeal Division to make an exception to the benefit period start date for the 20-week extension of benefits under Pilot Project No. 24.

[6] An Appeal Division application isn't an opportunity to make the same arguments you made in an unsuccessful General Division appeal. The Claimant hasn't shown an arguable case the General Division process was unfair. And I didn't find an arguable case of a factual or legal error. So I can't give her permission to appeal.

Issue

[7] Has the Claimant shown the General Division used an unfair process to decide her appeal?

¹ The Appeal Division process has two steps. First, a person applies for permission to appeal a General Division decision. If they don't get permission, their appeal can't go forward. Second, if they get permission, they get to argue their case in writing or at a hearing.

² See section 77.995 of the *Employment Insurance Regulations* (EI Regulations).

I'm not giving the Claimant permission to appeal

[8] For the reasons that follow, I can't give the Claimant permission to appeal.

The permission to appeal test screens out appeals that have no reasonable chance of success³

[9] The Claimant has applied for permission to appeal. I give permission when there's an arguable case the General Division made an error that gives a claimant a reasonable chance of winning their appeal.⁴

[10] The law says I can consider four types of errors—the General Division used an unfair procedure, or made a jurisdictional error, a legal error, or an important factual error.⁵

No arguable case the General Division process was unfair

[11] The General Division had to use a fair process to decide the Claimant's appeal.⁶ This is called procedural fairness or natural justice. The General Division had to

- let the Claimant know the Commission's case
- give the Claimant a full and fair opportunity to respond to that case with evidence and arguments
- be impartial (in other words, not prejudiced or biased)⁷

[12] The Claimant didn't raise any concerns with the fairness of the hearing. She hasn't argued the General Division member wasn't impartial. And nothing in the General Division file suggested this type of unfairness.

³ See section 58(2) of the *Department of Employment and Social Development Act* (DESD Act); *Paradis v Canada (Attorney General)*, 2016 FC 1282 at paragraph 32.

⁴ See *Osaj v Canada (Attorney General)*, 2016 FC 11.

⁵ See section 58(1) of the DESD Act.

⁶ This is a ground of appeal under section 58(1)(a) of the DESD Act.

⁷ See *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69; *Kuk v Canada (Attorney General)*, 2024 FCA 74.

[13] Her reasons show me she thinks the law—and the General Division decision that followed the law—are unfair to her. But this doesn't count as a procedural fairness error. And there's no arguable case the General Division used an unfair process.

No other reason I can give permission to appeal

[14] The Claimant didn't dispute any of the relevant facts or the General Divisions factual findings about her qualifying hours, the regional rate of unemployment, her last day of work, or the start date of her benefit period (May 4, 2025). And there isn't an arguable case the General Division based its decision on a factual error it made by ignoring or misunderstanding relevant evidence.

[15] I reviewed the General Division decision and the law. There isn't an arguable case it made a legal error.

[16] There isn't an arguable case it misinterpreted the time-related eligibility section of Pilot Project No. 24. It only applies to a benefit period that started between June 15, 2015 and April 11, 2026.⁸

[17] The General Division clearly and thoroughly set out why the Claimant's argument the General Division should make an exception to the law could not succeed. The courts have stated the Tribunal can't ignore the law or make exceptions to it. That's what the Claimant is asking the Tribunal to do.

[18] The Claimant made the same exception argument at the General Division as she makes in her application to appeal.⁹ Unfortunately for the Claimant, the Appeal Division process isn't a do-over. Simply disagreeing with the General Division's findings, or the outcome of the appeal, doesn't show an arguable case the General Division made an error.¹⁰ For her appeal to go forward to a hearing, she has to show an arguable case the General Division made an error. She hasn't done that. And I looked, but didn't find, an arguable case of a factual or legal error.

⁸ See section 77.999(2) of the EI Regulations.

⁹ See GD2-10 and AD1-6.

¹⁰ See *Griffin v Canada (Attorney General)*, 2016 FC 874 at paragraph 20.

Conclusion

[19] The Claimant's appeal doesn't have a reasonable chance of success. So, her appeal can't go forward.

Glenn Betteridge
Member, Appeal Division