



Citation: *CS v Canada Employment Insurance Commission*, 2026 SST 151

Social Security Tribunal of Canada Appeal Division

Leave to Appeal Decision

Applicant: C. S.

Respondent: Canada Employment Insurance Commission

Decision under appeal: General Division decision dated January 15, 2026
(GE-25-3527)

Tribunal member: Solange Losier

Decision date: March 4, 2026

File number: AD-26-99

Decision

[1] Leave (permission) to appeal is refused. C. S.'s appeal will not proceed.

Overview

[2] C. S. is the Claimant. He applied for Employment Insurance benefits.

[3] The Canada Employment Insurance Commission (Commission) decided that the Claimant had voluntarily left his job without just cause. It found there were reasonable alternatives, so he was disqualified from getting benefits.¹

[4] The General Division concluded the same and dismissed his appeal.²

[5] I am denying permission to appeal because the Claimant's arguments don't show that he has an arguable case upon which the appeal might succeed. So, I can't give him permission to appeal.³

Issue

[6] Is there an arguable case that the General Division made any legal errors or important factual errors when it decided the voluntary leave issue?

Preliminary Matter

I am not accepting the Claimant's new evidence

[7] As part of the Claimant's application to the Appeal Division, he submitted a fact sheet from The Worker Advisers Office of British Columbia. The fact sheet is called the "Occupational Health and Safety: Know your rights and responsibilities" and he highlighted specific areas about his employee rights that he found relevant for his case.⁴

¹ See Commission's initial and reconsideration decision at pages GD3-46 to G3-47 and GD3-55 and section 30(1) of the *Employment Insurance Act* (EI Act).

² See General Division decision at pages AD1A-1 to AD1A-10.

³ See section 58(2) of the *Department of Employment and Social Development Act* (DESD Act).

⁴ See pages AD1-10 to AD1-12.

[8] The Appeal Division generally doesn't accept new evidence.⁵ This is because the Appeal Division isn't the fact finder or rehearing the case. It's a review of the General Division's decision based on the same evidence.⁶

[9] There are some exceptions where new evidence is allowed. For example, I can accept new evidence if it provides one of the following: general background information only, if it highlights findings made without supporting evidence, or shows that the Tribunal acted unfairly.⁷

[10] I find that the fact sheet the Claimant submitted is new evidence that was not before the General Division. I reviewed the General Division file and none of this evidence is in the record or in the audio recording of the General Division hearing. This evidence wasn't before the General Division when it made its decision.

[11] An appeal to the Appeal Division isn't a "redo" based on updated evidence of the hearings before the General Division. Instead, they are reviews of the General Division based on the **same evidence**.

[12] I'm not accepting the new evidence because it isn't general background information and doesn't meet any of the other exceptions either. This means I can't consider the Claimant's new evidence when making my decision.

Analysis

[13] I can consider four types of errors, and they include a failure to follow a fair process, jurisdictional, legal, and important factual errors.⁸

⁵ See *Tracey v Canada (Attorney General)*, 2015 FC 1300 at paragraphs 29 and 34 and *Parchment v Canada (Attorney General)*, 2017 FC 354 at paragraph 23.

⁶ See *Gittens v Canada (Attorney General)*, 2019 FCA 256 at paragraph 13.

⁷ See *Sharma v Canada (Attorney General)*, 2018 FCA 48 and *Sibbald v Canada (Attorney General)*, 2022 FCA 157 at paragraphs 37–39.

⁸ See section 58(1) of the DESD Act.

[14] I can only give the Claimant permission to appeal if there's an "arguable case" that the General Division made a reviewable error that gives his appeal a reasonable chance of success.⁹

[15] The Claimant set out his reasons for appealing and I have considered them.¹⁰ I've also reviewed the General Division decision, the file documents and listened to the audio recording before making my decision.

I am not giving the Claimant permission to appeal

The Claimant's arguments to the Appeal Division

[16] The Claimant argues that the General Division made legal errors and important factual errors for the following reasons:¹¹

- there were unsafe conditions at work with his work truck and ladder
- there was also a hostile environment with the office manager who was harassing him
- he wasn't able to go to the work site because the employer didn't resolve his concerns
- he wasn't expected to be present for the shifts scheduled on Tuesday and Wednesday
- there was a breach of contract related to occupational health and safety standards at work
- he mentioned a list of concerns over the 13 months of his employment, so it was unreasonable to expect him to go to work in unsafe conditions.

⁹ See *Osaj v Canada (Attorney General)*, 2016 FC 11 at paragraph 12 and sections 56(1) and 58(2) of the DESD Act.

¹⁰ See pages AD1-1 to AD1-3 and AD1-5.

¹¹ This is a summary of the Claimant's main arguments set out at pages AD1-2 to AD1-3 and AD1-5.

The General Division decided that the Claimant voluntarily left his job and didn't have just cause

[17] The law says that a person has just cause for voluntarily leaving their job if, having regard to all the circumstances, they had no reasonable alternative to quitting. There is a list of circumstances to consider.¹²

[18] The General Division in this case found that the Claimant made a personal choice to not go to work and had initiated the separation from his employment. It decided that he had voluntarily left his job on May 12, 2025.¹³

[19] The General Division considered the Claimant's reasons for not going to work.¹⁴ It accepted that there were unsafe working conditions throughout the Claimant's employment. It noted that he continued to report to work throughout his employment despite the employer failing to address those concerns. But it found that the working conditions hadn't worsened or become intolerable immediately prior to his job abandonment.¹⁵

[20] The General Division found that the employer had previously held meetings with the Claimant to address other concerns he had with the office manager. And it found the meetings had been scheduled in a timely manner.¹⁶ It also found that the employer tried to have a meeting with him on May 9, 2025, but the Claimant declined because of a long shift that day and the expectation of advance notice.¹⁷

[21] The General Division gave weight to the fact that the Claimant had raised his dissatisfaction with his pay three times in the month before leaving his job. It found that it was more likely than not, that he left his job because he was dissatisfied with his pay

¹² See section 29(c) of the EI Act.

¹³ See paragraphs 28 and 32 of the General Division decision.

¹⁴ See paragraphs 12, 38–41 of the General Division decision.

¹⁵ See paragraph 38 of the General Division decision. Also see section 29(c)(iv) of the EI Act.

¹⁶ See paragraphs 14 and 40 of the General Division decision. Also see section 29(c)(i) of the EI Act.

¹⁷ See paragraph 40 of the General Division decision. Listen to the audio recording of the General Division at 40:00 to 41:49.

and pay raise.¹⁸ It cited case law that says a person's dissatisfaction with an inability to get a raise, doesn't amount to just cause.¹⁹

[22] The General Division concluded that he voluntarily left his job and didn't have just cause. It decided that there was a reasonable alternative to leaving his job such as continuing to attend work. Especially since there was going to be a scheduled meeting with his employer to address his grievances.²⁰

There is no arguable case that the General Division made any legal errors or based its decision on any important factual errors

[23] A legal error happens when the General Division doesn't apply the correct law or when it uses the correct law but misunderstands what it means or how to apply it.

[24] A factual error happens when the General Division has "based its decision on an erroneous finding of fact made in a perverse or capricious manner or without regard for the material before it."²¹ Put another way, the General Division makes an important factual error when it reaches its decision by ignoring or misunderstanding relevant evidence.

[25] The General Division is the trier of fact and is entitled to weigh the evidence. In this case, it considered the Claimant's reasons but found he didn't have just cause to leave his job. It explained with detailed reasons why it made the findings it did.

[26] The Claimant argues that the employer breached the employment contract, but this Tribunal isn't the forum for addressing that issue. There are other forums to do this.

[27] The Claimant appears to be rearguing his case because he isn't satisfied with the outcome, but that isn't enough for me to intervene. The Appeal Division has a limited

¹⁸ See paragraph 39 of the General Division decision.

¹⁹ See *Canada (Attorney General) v Tremblay*, A-50-94.

²⁰ See paragraph 42 of the General Division decision. Also see *Canada (Attorney General) v Hernandez*, 2007 FCA 320 at paragraph 5 says a reasonable alternative is to working conditions with the employer.

²¹ See section 58(1)(c) of the DESD Act.

mandate, and I can't reweigh the evidence in order to get a different conclusion for the Claimant.²²

[28] There is no arguable case that the General Division made any legal errors. The General Division correctly stated the law in its decision. It also referred to and relied on relevant case law.²³

[29] And there is no arguable case that the General Division based its decision on an important factual error either. Its key findings on the voluntary leave issue were consistent with the evidence.

[30] I reviewed the documents in the file, listened to the audio recording and examined the decision under appeal, and I'm satisfied that the General Division didn't misinterpret or fail to consider any relevant evidence.²⁴ There are no other reasons for giving the Claimant permission to appeal.

Conclusion

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

Solange Losier
Member, Appeal Division

²² See *Garvey v Canada (Attorney General)*, 2018 FCA 118 at paragraph 11.

²³ See paragraphs 10 and 33–37 of the General Division decision.

²⁴ See *Karadeolian v Canada (Attorney General)*, 2016 FC 165 at paragraph 10, which recommends doing such a review.