



[TRANSLATION]

Citation: *MT v Canada Employment Insurance Commission*, 2026 SST 221

## Social Security Tribunal of Canada Appeal Division

# Leave to Appeal Decision

**Applicant:** M. T.  
**Representative:** Julie Proulx

**Respondent:** Canada Employment Insurance Commission

---

**Decision under appeal:** General Division decision dated January 26, 2026  
(GE-25-2994)

---

**Tribunal member:** Pierre Lafontaine

**Decision date:** March 20, 2026  
**File number:** AD-26-134

## Decision

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

## Overview

[2] The Applicant (Claimant) applied for benefits on August 7, 2024. On February 28, 2025, the Claimant contacted Service Canada to report that he got separation money from his employer on February 17, 2025.

[3] On July 17, 2025, the Respondent (Commission) told the Claimant that his benefit period was extended by mistake in his file after he reported his earnings. It told him that the earnings he got as severance pay and vacation pay resulted in more overpaid benefits that he had to pay back.

[4] On reconsideration, the Commission maintained its initial decision. The Claimant appealed to the Tribunal's General Division.

[5] The General Division noted that the Claimant didn't dispute the allocation of earnings. It decided that the Commission used its discretion judicially when it reconsidered the Claimant's claim. The General Division dismissed the Claimant's appeal.

[6] The Claimant is now asking the Appeal Division for permission to appeal the General Division decision. He wants to dispute the Commission's refusal to write off the debt.

[7] I wrote to the Claimant to point out that the Tribunal has no jurisdiction over write-offs. Only the Commission has this authority. I asked him to provide me with other grounds of appeal. He didn't provide any other grounds of appeal within the time given.

[8] I have to decide whether there is an arguable case that the General Division made a reviewable error based on which the appeal has a reasonable chance of success.

[9] I am refusing permission to appeal because the Claimant hasn't raised a ground of appeal based on which the appeal has a reasonable chance of success.

## **Issue**

[10] Does the Claimant's appeal have a reasonable chance of success based on a reviewable error the General Division may have made?

## **Analysis**

[11] The law specifies the only grounds of appeal of a General Division decision.<sup>1</sup> 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 that 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 when making its decision.

[12] 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 has to be met at the hearing of the appeal on the merits. At the permission to appeal stage, the Claimant doesn't have to prove his case; he has to instead establish that his appeal has a reasonable chance of success. This means that he has to show that there is arguably a reviewable error based on which the appeal might succeed.

[13] 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.

---

<sup>1</sup> See section 58(1) of the *Department of Employment and Social Development Act*.

## **Does the Claimant's appeal have a reasonable chance of success based on a reviewable error the General Division may have made?**

[14] The Claimant wants to dispute before the Appeal Division the Commission's refusal to write off the debt because the overpayment comes from the Commission's error.<sup>2</sup>

[15] The General Division correctly decided that the Tribunal doesn't have the authority to grant a write-off. The law clearly says that you can't appeal this type of decision to the Tribunal.<sup>3</sup> Only the Federal Court of Canada has jurisdiction to hear a challenge about this matter after the Commission gives a decision on the write-off.<sup>4</sup>

[16] For the above reasons, I have no choice but to find that the appeal has no reasonable chance of success.

## **Conclusion**

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

Pierre Lafontaine  
Member, Appeal Division

---

<sup>2</sup> See AD1B-1.

<sup>3</sup> See sections 112.1 and 113 of the *Employment Insurance Act*.

<sup>4</sup> See *CB v Canada Employment Insurance Commission*, 2020 SST 226; and *BP v Canada Employment Insurance Commission*, 2019 SST 124.