



[TRANSLATION]

Citation: *MM v Canada Employment Insurance Commission*, 2026 SST 217

Social Security Tribunal of Canada Appeal Division

Leave to Appeal Decision

Applicant: M. M.

Respondent: Canada Employment Insurance Commission

Decision under appeal: General Division decision dated
January 24, 2026 (GE-25-3442)

Tribunal member: Pierre Lafontaine

Decision date: March 20, 2026

File number: AD-26-115

Decision

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

Overview

[2] On October 28, 2020, the Applicant (Claimant) applied for regular benefits. A benefit period was established. The Respondent (Commission) paid the Claimant 50 weeks of regular benefits.

[3] On October 19, 2021, the Claimant sent a medical certificate to the Service Canada office saying that she wasn't able to work from October 1, 2020, to July 23, 2021.

[4] During the 50 weeks she received benefits, the Claimant said that she was available for work. She didn't say that she was off work because of illness. But, on November 18, 2021, she disclosed having a doctor's note saying that she was off work because of illness from October 1, 2020, to October 9, 2021.

[5] On June 24, 2025, the Commission gave a decision converting the regular benefit period to sickness benefits. It told the Claimant that she was now entitled to receive 15 weeks of sickness benefits from October 25, 2020, to February 6, 2021.

[6] The Commission also told the Claimant that she wasn't entitled to receive regular benefits from February 7, 2021, to October 3, 2021, because she was sick. This resulted in a benefit overpayment. The Commission asked her to pay it back.

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

[8] The General Division found that the Claimant could not receive more than 15 weeks of sickness benefits. This is the maximum number of weeks of sickness benefits under the law. It dismissed her appeal.

[9] The Claimant now wants to appeal the General Division decision. On February 26, 2026, I asked her to explain in detail why she was asking for permission to appeal the General Division decision.

[10] The Claimant argues that she was able to work, even though she had a disability. Starting in the fall of 2021, she no longer had any income. So, she applied to different companies. She was hired by X in December 2021.¹

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

[12] I am not giving the Claimant permission to appeal.

Issue

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

Preliminary remarks

[14] It is well established that I have to decide this application for permission to appeal based only on the evidence that was before the Tribunal's General Division.²

Analysis

[15] The law specifies the only grounds of appeal of a General Division decision.³ 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.

¹ See AD1A-1 and AD1A-2.

² See *Sibbald v Canada (Attorney General)*, 2022 FCA 157.

³ See section 58(1) of the *Department of Employment and Social Development Act*.

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.

[16] 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 her case; she has to instead establish that her appeal has a reasonable chance of success. This means that she has to show that there is arguably a reviewable error based on which the appeal might succeed.

[17] 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

[18] The Claimant argues that she was able to work, even though she had a disability. Starting in the fall of 2021, she no longer had any income. So, she applied to different companies. She was hired by X in December 2021.

[19] The evidence shows that the Claimant applied for Employment Insurance (EI) regular benefits as of October 25, 2020. She received benefits for a total of 50 weeks, that is, until October 9, 2021.

[20] On October 19, 2021, the Claimant sent a medical certificate to the Service Canada office saying that she wasn't able to work from October 1, 2020, to July 23, 2021.

[21] On November 22, 2021, the Claimant contacted the Commission to change her reports for the period from October 25, 2020, to October 9, 2021. She said that she hadn't been available because of illness during that same period. She said that she was still sick.⁴

⁴ See GD3-19 to GD3-21.

[22] The General Division found that the Claimant was entitled to receive 15 weeks of sickness benefits from October 25, 2020, to February 6, 2021.

[23] The General Division noted that the Claimant had initially told the Commission that she wasn't available for work from October 25, 2020, to October 9, 2021, because of her illness.

[24] The General Division found that, even though the Claimant said that she was available for work, she had medical conditions that hindered her willingness to work during the benefit period. Her statement confirmed this. She said that going back to work at X in December 2021, after her benefit period had ended, had been very difficult for her health.⁵

[25] The General Division also relied on the medical evidence on file showing that the Claimant was off work completely—and not with limitations—during the benefit period.

[26] I see no reviewable error made by the General Division. I have to reiterate that it isn't for the Appeal Division to reassess the evidence that was before the General Division. An appeal to the Appeal Division isn't an opportunity for the Claimant to argue her case again and hope for a different outcome.

[27] Despite the Tribunal's specific request, I find that the Claimant hasn't raised any question of law, fact, or jurisdiction that could justify setting aside the decision under review.

[28] After reviewing the appeal file, the General Division decision, and the arguments in support of the application for permission to appeal, I am of the view that the appeal has no reasonable chance of success. The Claimant hasn't raised any issue that could justify setting aside the decision under review.

⁵ See GD3-24.

Conclusion

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

Pierre Lafontaine
Member, Appeal Division