



Citation: *CM v Canada Employment Insurance Commission*, 2026 SST 205

**Social Security Tribunal of Canada
Appeal Division**

Leave to Appeal Decision

Applicant: C. M.

Respondent: Canada Employment Insurance Commission

Decision under appeal: General Division decision dated February 6, 2026
(GE-25-3611)

Tribunal member: Glenn Betteridge

Decision date: March 16, 2026

File number: AD-26-171

Decision

[1] Leave (permission) to appeal is denied. This means C. M.'s appeal won't go forward.

Overview

[2] C. M. is the Claimant in this case. He made an EI claim and the Commission paid him regular benefits.

[3] He is asking for permission to appeal a General Division decision.¹ I will give him permission if he has a reasonable chance of winning his appeal.

[4] The Claimant didn't attend the General Division hearing. The General Division dismissed his appeal. It decided:

- He received income he didn't report, and the Commission correctly determined and allocated this income, and correctly calculated an overpayment.²
- He knowingly provided false or misleading information—there's no evidence another person submitted these reports without his consent.
- The Commission properly and fairly used its power to review his claim, to charge him a fine, and to issue a violation.³

[5] The Claimant argues the General Division used an unfair process and made an important error of fact.

¹ The Appeal Division process has two steps. (1) A person applies for permission to appeal a General Division decision. If they don't get permission, their appeal ends. (2) If they get permission, then they argue their appeal in writing or at a hearing.

² See sections 19 and 52(3) of the *Employment Insurance Act* (EI Act), and sections 35(2) and 36(4) of the *Employment Insurance Regulations*.

³ See section 7.1 (violation), 38 (penalty), and 52(1) (reconsideration).

[6] The Claimant hasn't shown an arguable case the General Division made either error. This means he doesn't have a reasonable chance of winning his appeal. And his appeal can't go forward.

Issues

[7] I will decide two issues.

- Is there an arguable case the General Division used an unfair process to decide the Claimant's appeal?
- Is there an arguable case the General Division made an important factual error?

I'm not giving the Claimant permission to appeal

[8] Before making my decision, I read the Claimant's application to appeal.⁴ I read the General Division decision. And I reviewed the documents in the General Division file.⁵

[9] 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 success⁶

[10] 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.⁷

⁴ See AD1. The Claimant's reasons for appeal set out the key issues and central arguments I have to consider. See *Hazaparu v Canada (Attorney General)*, 2024 FC 928 at paragraph 13.

⁵ See GD0 to GD6.

⁶ 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.

⁷ See *Osaj v Canada (Attorney General)*, 2016 FC 11.

[11] 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.⁸

[12] Unfortunately for the Claimant, I can't give him permission based on financial need, life hardships, or humanity. And I can't give him a do-over with the Commission to work things out. The General Division appeal process was his opportunity to have his case considered from scratch.

[13] The Claimant checked two error boxes on the application form—procedural unfairness, and important error of fact.⁹

No arguable case the General Division process was unfair

[14] The General Division had to use a fair process to decide the Claimant's appeal.¹⁰ 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)¹¹

[15] The Claimant hasn't argued the General Division member was biased or prejudiced against him or his case. And nothing I read suggested this error.

[16] The Claimant seems to be arguing he didn't know the case he had to meet. He says he only heard about the matter from Service Canada. He says, "the lack of communication between you guys and me was unreal, and that they were fully aware of stressed i am due to that." He also said he reached out to his MLA because he had

⁸ See section 58(1) of the DESD Act.

⁹ See AD1-7.

¹⁰ This is a ground of appeal under section 58(1)(a) of the DESD Act.

¹¹ See *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69; *Kuk v Canada (Attorney General)*, 2024 FCA 74.

been blindsided in this whole issue. He says he's received no calls, emails, nor letters by mail. And Service Canada members saw from their end absolutely nothing was sent to him.

[17] I reviewed the General Division file and Tribunal records. There's no arguable case the General Division failed to let the Claimant know the Commission's case against him. In other words, the case he had to meet in his appeal.

[18] I accept the following facts because I have no reason to doubt the Tribunal's records:

- The Claimant filed an appeal of the Commission's decision, arguing his ex-girlfriend falsely filed claims on his behalf.¹²
- This was essentially the same argument he made on reconsideration.¹³
- The Tribunal sent him the Commission's reconsideration file (GD3) and the Commission's written arguments (GD4) at the email address he gave the Tribunal.
- There's no evidence that email bounced back.
- The Claimant responded to the first notice of hearing the Tribunal emailed him and asked for the hearing to be cancelled.

[19] These facts show me the Tribunal informed the Claimant of the evidence and legal arguments the Commission was relying on to support its decisions.

[20] The Claimant is representing himself. So, I considered whether there's an arguable case the General Division acted unfairly when it held the hearing without him.

¹² See GD2.

¹³ See GD3-72.

The General Division used the rule that says it can go ahead with a hearing if it believes a person received the notice of hearing.¹⁴

[21] I reviewed the General Division's reasons for holding the hearing without the Claimant (paragraphs 12 to 17). And I reviewed the General Division file, which shows communication between the Tribunal and the Claimant. I didn't find an arguable case the General Division acted unfairly, or ignored or misunderstood evidence when it decided the Claimant got the second notice of hearing.

[22] To summarize, there isn't an arguable case the General Division used an unfair process to decide the Claimant's appeal.

No arguable case the General Division made an important factual error

[23] The General Division makes an important factual error when it reaches its decision by ignoring or misunderstanding relevant evidence.¹⁵ Relevant means evidence the legal test calls for. When the General Division makes this error, its decision isn't supported by the evidence.

[24] The Claimant's arguments don't show an arguable case the General Division misunderstood or ignored relevant evidence.

[25] His reasons are mostly about how he was taken by surprise by the Commission's decision, or the Tribunal's process. And about miscommunication. I rejected his procedural fairness argument—based on the same alleged facts—above.

[26] The General Division found no evidence to support the Claimant's position his ex-partner stole his identity and applied for and received benefits in his name (paragraphs 48 to 50). I reviewed the documents in the General Division file. I didn't find an arguable case the General Division ignored or misunderstood relevant evidence to

¹⁴ See section 58 of the *Social Security Tribunal Rules of Procedure*.

¹⁵ Section 58(1)(c) of the DESD Act says it's a ground of appeal where the General Division based its decision on an erroneous finding of fact it made in a perverse or capricious manner or without regard for the material before it. I have described this ground of appeal using plain language, based on the words in the Act and the cases that have interpreted the Act.

reach this finding. Or ignored or misunderstood evidence when it made findings about his income, his biweekly reports, the false statements he made knowingly, or how the Commission used its discretionary powers in his claim.

[27] To summarize, there's no arguable case the General Division made an important factual error.

Information for the Claimant—the Commission can cancel or amend its decision if he brings forward new facts

[28] The Claimant says his ex-girlfriend stole his identity. Then applied for and received benefits in his name.

[29] If he can give the Commission evidence to show this happened, the Commission has the power to cancel or amend the decisions it made in his claim.¹⁶ In its submissions to the General Division, the Commission said it's willing to consider new evidence.¹⁷ So, the Claimant can contact the Commission if and when he has evidence about the identity theft and fraud.

[30] The Tribunal's website lists organizations on PEI that might be able to help him (www.sst-tss.gc.ca/en/your-appeal/organizations-can-help-prince-edward-island). And the Canadian Anti-Fraud Centre has information about what to do if you are a victim of fraud (<https://antifraudcentre-centreantifraude.ca/scams-fraudes/victim-victime-eng.htm>).

Conclusion

[31] The Claimant's appeal doesn't have a reasonable chance of success. This means his appeal can't go forward.

Glenn Betteridge
Member, Appeal Division

¹⁶ See sections 41 and 111 of the EI Act.

¹⁷ See GD4-5.