



Citation: *CM v Canada Employment Insurance Commission*, 2026 SST 236

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 10, 2026
(GE-26-87)

Tribunal member: Pierre Lafontaine

Decision date: March 25, 2026

File number: AD-26-143

Decision

[1] Leave (permission) to appeal is refused. The appeal will not proceed.

Overview

[2] The Applicant (Claimant) worked for X. In late 2024, his employer reduced his hours, but he continued to work part-time. He applied for Employment Insurance (EI) benefits and Service Canada agents told him he was eligible because he was “underemployed” and working fewer than 19 hours a week. Based on this advice, he received EI benefits for several months.

[3] Later, the Respondent (Commission) reviewed the file and cancelled his claim. The Commission said that to qualify for benefits, a worker must have an “interruption of earnings.” They argued that under the law, this meant a period of seven consecutive days without work or pay, which the Claimant didn’t have.

[4] The Claimant disagreed and said that he was completely honest with the Commission, reported his hours accurately, and relied on their advice that he was eligible. After an unsuccessful reconsideration, the Claimant appealed to the General Division of the Tribunal.

[5] The General Division accepted the Claimant’s evidence that he was given incorrect information and that he was completely honest with the Commission about his earnings. It determined that the law required a complete cessation of work and pay for at least seven days in a row. The General Division concluded that because the Claimant continued to work part-time without a seven-day break, an interruption of earnings did not occur. Consequently, a benefit period could not be established.

[6] The Claimant now seeks leave to appeal of the General Division’s decision to the Appeal Division. The Claimant did not initially submit grounds of appeal.

[7] I sent a letter to the Claimant requesting that he explain in detail why he was appealing the General Division decision.

[8] The Claimant responded that he believes the member of the General Division did not understand that he had received false information not from one government employee, but from three government employees with whom he had been completely transparent about his work weeks of 19 hours or less and the loss of 70% of his wages.

[9] I must decide whether the Claimant raised some reviewable error of the General Division upon which the appeal might succeed.

[10] I refuse leave to appeal because the Claimant's appeal has no reasonable chance of success.

Issue

[11] Does the Claimant raise some reviewable error of the General Division upon which the appeal might succeed?

Analysis

[12] The law specifies the only grounds of appeal of a General Division decision.¹ These reviewable errors are that:

1. The General Division hearing process was not fair in some way.
2. The General Division did not decide an issue that it should have decided. Or, it decided something it did not 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.

[13] An application for leave 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 must be met on the hearing of the appeal on the merits. At the leave to appeal stage, the Claimant does not have to prove his case but must establish that the appeal has a

¹ Section 58(1) of the *Department of Employment and Social Development Act*.

reasonable chance of success based on a reviewable error. In other words, that there is arguably some reviewable error upon which the appeal might succeed.

[14] Therefore, before I can grant leave, I need to be satisfied that the reasons for appeal fall within any of the above-mentioned grounds of appeal and that at least one of the reasons has a reasonable chance of success.

Does the Claimant raise some reviewable error of the General Division upon which the appeal might succeed?

[15] The Claimant believes the member of the General Division did not understand that he had received false information not from one government employee, but from three government employees with whom he had been completely transparent about his work weeks of 19 hours or less and the loss of 70% of his wages.

[16] The General Division determined that the law required a complete cessation of work and pay for at least seven days in a row.² Because the Claimant continued to work part-time without a seven-day break, an interruption of earnings did not occur. Consequently, a benefit period could not be established.

[17] The General Division accepted the Claimant's testimony that he had been given inaccurate information and that he had been perfectly honest with the Commission about his income. However, it had to apply the law.

[18] Unfortunately for the Claimant, the Federal Court of Appeal has clearly established that a claimant who has received an amount to which they were not entitled, even due to an error by the Commission, is not exempt from repaying that amount.³

[19] If the Claimant wishes to request a write-off of his debt, he must make a formal request directly to the Commission so that a decision can be made on the matter.⁴

² Section 14(1) of the *Employment Insurance Regulations*.

³ *Lazuno v Canada (Attorney General)*, 2005 FCA 324.

⁴ Section 56 of the *Employment Insurance Regulations*. If the write-off is refused, an appeal can be filed at the Federal Court.

[20] After reviewing the appeal file and the General Division's decision as well as considering the Claimant's arguments in support of his request for leave to appeal, I have no choice but to find that the appeal has no reasonable chance of success. The Claimant has not set out a reason, which falls into the above-enumerated grounds of appeal that could possibly lead to the reversal of the disputed decision.

Conclusion

[21] Leave to appeal is refused. This means the appeal will not proceed.

Pierre Lafontaine
Member, Appeal Division