



Citation: *OO v Canada Employment Insurance Commission*, 2026 SST 239

Social Security Tribunal of Canada Appeal Division

Leave to Appeal Decision

Applicant: O. O.

Respondent: Canada Employment Insurance Commission

Decision under appeal: General Division decision dated February 26, 2026
(GE-26-387)

Tribunal member: Solange Losier

Decision date: March 25, 2026

File number: AD-26-239

Decision

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

Overview

[2] O. O. is the Claimant. He started working and quit a few days later. He provided reasons for quitting his job.

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

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

[5] The Claimant is now asking for permission to appeal and argues that the General Division didn't follow a fair process, made a jurisdictional and legal error.³

[6] 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.

Issue

[7] Is there an arguable case that the General Division didn't follow a fair process, made a jurisdictional error, legal error and important factual error when it decided the voluntary leave issue?

Analysis

[8] The law says that I can consider four types of errors, and they include, a failure to follow a fair process, jurisdictional, legal, and important factual errors.⁴

¹ See Commission's initial and reconsideration decision at pages GD3-19 to GD3-20 and GD3-38.

² See General Division decision at pages AD1A-1 to AD1A-7.

³ See Application to the Appeal Division at pages AD1-1 to AD1-17.

⁴ See section 58(1) of the *Department of Employment and Social Development Act* (DESD Act).

[9] 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.⁵

[10] The Claimant identified in his application forms that the General Division didn't follow a fair process, made jurisdictional and a legal error.⁶ But when I look at his written arguments, they also overlap with another ground of appeal: factual errors.⁷ So, I'll also consider whether there's an arguable case that the General Division made any important factual errors.

[11] I've looked at the General Division's decision, the Claimant's application to the Appeal Division, and all of the file documents before making my decision.

I am not giving the Claimant permission to appeal

The Claimant's arguments to the Appeal Division

[12] The Claimant argues that the General Division erred when it concluded he had no reasonable alternatives without properly considering whether continuing in a workplace with no tools, no structure, and no confirmed role was objectively reasonable.

[13] He also says that the General Division ignored relevant and material evidence because he wasn't paid for the work he performed at this company. He says this evidence supports that the employment relationship was dysfunctional and unreliable.⁸

There is no arguable case that the General Division didn't follow a fair process

[14] Procedural fairness is about the fairness of the process. The Claimant has a right to be heard and to know the case against him. He also has a right to be given an

⁵ See *Osaj v Canada (Attorney General)*, 2016 FC 11 at paragraph 12 and sections 56(1) and 58(2) of the DESD Act.

⁶ See page AD1-6.

⁷ See pages AD1-1 and AD1-6.

⁸ See pages AD1-1 to AD1-7.

opportunity to respond and have his case considered fully and fairly by an impartial decision-maker.

[15] In its decision, the General Division noted that the Claimant had submitted an email, on a Sunday, prior to the hearing.⁹ In that email, the Claimant disputed some of the Commission's telephone notes that were in the file record.

[16] The General Division wrote that "the document should have been submitted earlier by the Appellant."¹⁰ It accepted his email because it said the Claimant had explained its contents and it could ask him questions about it.

[17] Hearings before the General Division are "denovo," which means it is a fresh hearing of all the evidence. This means that any party can submit evidence or arguments before the hearing, or even at the hearing. There are no rules that say evidence or written arguments have to be submitted *before* the General Division hearing takes place.¹¹

[18] The General Division made a mistake when it said that the Claimant's email (i.e., argument) had to be "submitted earlier." But that mistake didn't affect the outcome because the General Division accepted and considered his email. So, this mistake doesn't give his appeal a reasonable chance of success.

[19] I see no arguable case that the General Division didn't follow a fair process.¹² The hearing was held by videoconference, the Claimant attended and got a full and fair opportunity to present his case. He also understood the case he had to meet.

⁹ See paragraphs 8–10 of the General Division decision.

¹⁰ See paragraph 10 of the General Division decision.

¹¹ There is another rule that deals with the handling of late evidence or written arguments *after* a filing deadline is set by the Tribunal, see section 42 of the *Social Security Tribunal Rules of Procedure*. That rule doesn't apply in this case because there was no deadline set by the General Division, so the Claimant didn't need permission to submit his argument before the hearing.

¹² See section 58(1)(a) of the DESD Act.

There is no arguable case that the General Division made any jurisdictional or legal errors

[20] A jurisdictional error means that the General Division didn't decide an issue it had to decide or decided an issue it didn't have the authority to decide.

[21] The General Division's jurisdiction to decide an issue comes from a reconsideration decision that has been appealed to the Tribunal.¹³

[22] On February 4, 2026, the Commission decided that the Claimant had voluntarily left his job without just cause.¹⁴ That was the reconsideration decision the Claimant appealed to the Tribunal.¹⁵

[23] The General Division has no authority to order the Claimant's former employer to pay him any outstanding wages. There may be other forums where the Claimant can pursue that claim against his former employer.

[24] I see no arguable case that the General Division made a jurisdictional error.¹⁶ The General Division only decided the issues it had the authority to decide (voluntary leave) and didn't decide any other issues that it had no authority to decide such as unpaid wages.

[25] The General Division makes a legal error when it misinterprets a law, doesn't follow a court decision it has to follow, or doesn't give adequate reasons for its decision.

[26] The *Employment Insurance Act* (EI Act) says a person is not entitled to get benefits if they voluntarily leave their employment without just cause.¹⁷

¹³ See section 113 of the *Employment Insurance Act* (EI Act).

¹⁴ See page GD3-38.

¹⁵ See pages GD2-1 to GD2-25.

¹⁶ See section 58(1)(a) of the DESD Act.

¹⁷ See section 30(1) of the EI Act.

[27] To show just cause, the Claimant had to show that, having regard to all the circumstances, on a balance of probabilities, he had no reasonable alternative to leaving his job. The law provides a list of circumstances to consider.¹⁸

[28] The Claimant hasn't pointed out how the General Division made a legal error.

[29] I also see no arguable case that the General Division made any legal errors.¹⁹ It correctly stated the law and relied on relevant case law in its decision.²⁰

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

[30] The General Division makes an important factual error when it reaches its decision by ignoring or misunderstanding relevant evidence.²¹

[31] The General Division's key findings on the voluntary leave issue included the following:

- He started work on November 3, 2025, and voluntarily left his job on November 5, 2025²²
- A list of circumstances that existed when he left his job²³
- He didn't have just cause for leaving his job when he did because there were reasonable alternatives including continuing to work until he found another job, or until the owner returned on November 20, 2025.²⁴

[32] The General Division addressed the Claimant's specific circumstances. It found that the Claimant was able to use another person's workstation and computer while the

¹⁸ See section 29(c) of the EI Act.

¹⁹ See section 58(1)(b) of the DESD Act.

²⁰ See paragraphs 23–25 of the General Division decision.

²¹ This is a plain language wording of section 58(1)(c) of the DESD Act, which says this happens when the General Division has "based its decision on an erroneous finding of fact that it made in a perverse or capricious manner or without regard for the material before it."

²² See paragraphs 3 and 21 of the General Division decision.

²³ See paragraph 27 of the General Division decision.

²⁴ See paragraphs 29 and 36 of the General Division decision.

employer was upgrading their system over the next 10–12 days.²⁵ It also found that he was using a general email address but would eventually get a personalized email address once another staff member was back at work (that person was off sick that particular week).²⁶

[33] The General Division found that the Claimant was trying to renegotiate the terms and conditions of his employment with the owner of the company.²⁷ But the owner was away until November 20, 2025.²⁸ The Claimant wanted a particular mileage rate for using his own car, to work remotely and different hours.²⁹

[34] I see no arguable case that the General Division based its decision on any important factual errors.³⁰ Its key findings are consistent with the evidence. It didn't ignore or overlook any relevant evidence about his circumstances at work. It also explained with reasons why it made the decision it did.

[35] The General Division is the trier of fact. It was free to weigh the evidence and conclude that he didn't have just cause based on the evidence. The evidence shows that the Claimant had two reasonable alternatives to leaving his job: he could have continued to work until he found another job, or until the owner returned on November 20, 2025. Indeed, the Claimant acknowledged that if he had known leaving his job would have affected his benefits, he wouldn't have made that decision.³¹

[36] The Appeal Division's mandate is limited to determining whether the General Division made a reviewable error.³² The Claimant may not agree with the General Division's decision, but a disagreement with the outcome isn't a reviewable error.

²⁵ See paragraph 31 of the General Division decision.

²⁶ See paragraph 32 of the General Division decision and pages GD3-34 to GD3-35.

²⁷ See paragraph 35 of the General Division decision.

²⁸ See paragraph 29 of the General Division decision.

²⁹ See page GD3-17.

³⁰ See section 58(1)(c) of the DESD Act.

³¹ See paragraph 38 of the General Division decision and page GD2-16.

³² See *Marcia v Canada (Attorney General)*, 2016 FC 1367 and *Parchment v Canada (Attorney General)*, 2017 FC 354.

[37] There are no other reasons for giving the Claimant permission to appeal. I didn't find any evidence that the General Division might have ignored or misinterpreted.³³

Conclusion

[38] Permission to appeal is refused. This means that the appeal will not proceed. It has no reasonable chance of success.

Solange Losier
Member, Appeal Division

³³ The Federal Court has suggested such a review in decisions like *Griffin v Canada (Attorney General)*, 2016 FC 874 and *Karadeolian v Canada (Attorney General)*, 2016 FC 615.