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Self-Represented Litigant Challenges Canada's E.I. System in Landmark Federal Court of Appeal Case

Niagara Region, ON – A landmark case is now before the Federal Court of Appeal (Case #A-63-24), as self-represented litigant, D.A., takes on Canada's Employment Insurance (EI) system. This case exposes systemic errors, engineered processes, and unfair denials that affected tens of thousands of Canadians during the pandemic.

Like numerous other workers, D.A. was placed on unpaid leave in Jan. 2022 for declining to disclose his private medical records per his employer's mandatory vaccination policy (MVP). When he applied for EI benefits, his claim was denied *"due to his Misconduct"* a label he firmly rejects. Refusing to accept this injustice, he launched an appeal that has uncovered troubling revelations about how the EI program was administered in these cases.

Secret Changes to EI Adjudication: Freedom of Information requests revealed that in October 2021, the EI adjudication process was secretly altered, but *only* for claimants who chose not to disclose their status or be forced into an irreversible medical procedure (BE-Memo 2021-10). For these specific individuals, statutory safeguards were bypassed, and long-standing legal tests and definitions were changed to facilitate mass denials.

At the Social Security Tribunal (SST), adjudicators relied on 'Atrium Decision Templates': pre-written text and reasons containing conflicting case law and legal errors. Instead of conducting individualised assessments, many decisions were 'reverse-engineered' to deny benefits. In some cases, tribunal members even used templates that contradicted their own prior rulings, raising serious concerns about procedural fairness and impartiality.

Twisted Legal Standards: The tribunal adopted a modified 'Misconduct Test' for MVP cases, built upon five abused historical EI decisions and two logical fallacies, avoiding the 'Just Cause' analysis required under the Employment Insurance Act (§29(c)). Since 1993, Parliament has been clear: claimants cannot be denied benefits when their employers 'act contrary to law' or unilaterally impose 'significant changes' onto their work contracts.

Historical debates in the House of Commons and Parliamentary Committees, including over 4,700 pages of Hansard transcripts, confirm that the 'Just Cause' standard in the EI Act was specifically written to protect workers in these situations. Yet, during the pandemic, this Just Cause analysis was intentionally circumvented.

National Impact: Canadians filed 10 million EI claims while vaccinations were promoted (Oct. 2020 to May 2023; this is over 50% of the 19 million labour force). More than two million claims were denied, many under this redefined 'Misconduct' label, based on MVPs. Analysis estimates that paying out these qualifying claims would have cost ~$13 billion, more than half of the EI Operating Account at the time (2024: EIOA Projections).

"This case is about more than any one person's benefits," said D.A. "It's about exposing the systemic process-engineering that denied struggling Canadians the EI benefits they paid into and were legally entitled to receive. The law is clear. And government decision-makers do not possess the authority to rewrite the law in secret."

A Precedent for Accountability: The Federal Court of Appeal now faces a defining moment: to decide whether the government truly upheld the law as written in its handling of EI claims, or whether it trampled the rights of Canadians across the nation, by imposing different, discriminatory processes onto a targeted group of claimants.

This case forces Canada to confront a serious question: **will Fairness, Accountability & the Rule of Law prevail?**