



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *W. K. v. Minister of Employment and Social Development*, 2018 SST 389

Tribunal File Number: AD-18-110

BETWEEN:

**W. K.**

Applicant

and

**Minister of Employment and Social Development**

Respondent

and

**H. Z.**

Added Party

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**SOCIAL SECURITY TRIBUNAL DECISION**  
**Appeal Division**

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Leave to Appeal Decision by: Valerie Hazlett Parker

Date of Decision: April 6, 2018

## DECISION AND REASONS

### DECISION

[1] Leave to appeal is refused.

### OVERVIEW

[2] The Applicant and the Added Party were married in 1997 and separated in 2011. The Added Party applied for and was granted a division of unadjusted pensionable earnings (DUPE). The Applicant filed an appeal to this Tribunal regarding the decision that granted the DUPE. The Tribunal's General Division dismissed the appeal. The Applicant did not identify any grounds of appeal that could be considered under the *Department of Employment and Social Development Act* (DESD Act) in his application for leave to appeal. The Tribunal wrote to him and requested that he provide this information. He did not respond to this letter. Leave to appeal this decision is refused because the Applicant did not present any grounds of appeal.

### ANALYSIS

[3] The DESD Act governs the Tribunal's operation. It provides only three grounds of appeal that can be considered. They are that the General Division failed to observe a principle of natural justice or made a jurisdictional error, made an error in law, or based its decision on an erroneous finding of fact made in a perverse or capricious manner or without regard for the material before it.<sup>1</sup> In addition, leave to appeal is to be refused if the appeal has no reasonable chance of success.<sup>2</sup>

[4] The Appellant argues that the Added Party should not have received the DUPE because she was working for undeclared income and committing fraud. This argument was presented to the General Division and considered by it. The General Division concluded that it did not have jurisdiction to deal with issues regarding the Added Party's alleged undeclared income.<sup>3</sup> This is correct. The Applicant does not claim that the General Division made any error in reaching this conclusion.

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<sup>1</sup> DESD Act s. 58(1)

<sup>2</sup> *Ibid.* s. 58(2)

<sup>3</sup> General Division decision, at paragraph 29

[5] The Applicant also does not point to any error in law or failure to observe the principles of natural justice by the General Division. He does not suggest that the General Division based its decision on an erroneous finding of fact under the DESD Act. I have read the General Division decision and the written record. I am satisfied that the General Division did not overlook or misconstrue any important information.

[6] Leave to appeal must be refused for these reasons.

**CONCLUSION**

[7] Leave to appeal is refused.

Valerie Hazlett Parker  
Member, Appeal Division

REPRESENTATIVES:	W. K., self-represented
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