

**Citation: *G. A. v. Minister of Employment and Social Development*, 2015 SSTAD 489**

**Date: April 15, 2015**

**File number: AD-15-165**

**APPEAL DIVISION**

**Between:**

**G. A.**

**Applicant**

**and**

**Minister of Employment and Social Development  
(formerly known as the Minister of Human Resources and Skills Development)**

**Respondent**

**Decision by: Valerie Hazlett Parker, Member, Appeal Division**

## REASONS AND DECISION

### INTRODUCTION

[1] The Applicant applied for a *Canada Pension Plan* disability pension. He claimed that he was disabled by physical injuries and mental illness that resulted from three car accidents and another personal injury accident. The Respondent denied his claim initially and after reconsideration. The Applicant appealed to the Office of the Commissioner of Review Tribunals. The matter was transferred to the General Division of the Social Security Tribunal on April 1, 2013 pursuant to the *Jobs, Growth and Long-term Prosperity Act*. The General Division held a hearing and on March 3, 2015 dismissed the Applicant's appeal.

[2] The Applicant sought leave to appeal to the Appeal Division of the Social Security Tribunal. He set out the following as grounds of appeal:

- (a) the General Division failed to observe a principle of natural justice or otherwise acted beyond or refused to exercise its jurisdiction;
- (b) the General Division erred in law in making its decision, whether or not the error appears on the face of the record; or
- (c) the General Division 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.

[3] The Respondent filed no submissions.

### ANALYSIS

[4] In order to be granted leave to appeal, the Applicant must present some arguable ground upon which the proposed appeal might succeed: *Kerth v. Canada (Minister of Development)*, [1999] FCJ No. 1252 (FC). The Federal Court of Appeal has also found that an arguable case at law is akin to determining whether legally an applicant has a reasonable chance of success: *Canada (Minister of Human Resources Development) v. Hogervorst*, 2007 FCA 41, *Fancy v. v. Canada (Attorney General)*, 2010 FCA 63.

[5] The *Department of Employment and Social Development Act* governs the operation of this Tribunal. Section 58 of the *Act* sets out the only grounds of appeal that may be considered to grant leave to appeal a decision of the General Division. The Applicant stated this provision as his grounds of appeal.

[6] The Applicant did not explain how the General Division was to have made an error of fact, an error of law or how it breached the principles of natural justice. The General Division decision summarized the written and oral evidence, weighed this evidence and reached a conclusion based on this. No error of law is found on the face of the record. I am not persuaded by the Applicant's bald allegations that errors were made, or that natural justice principles were breached, that the Applicant has presented a ground of appeal with any reasonable chance of success on appeal.

[7] Therefore the request for leave to appeal is refused.

Valerie Hazlett Parker  
Member, Appeal Division