

Citation: *B. A. v. Minister of Employment and Social Development*, 2015 SSTAD 742

Appeal No. AD-15-302

BETWEEN:

B. A.

Applicant

and

**Minister of Employment and Social Development
(Formerly Minister of Human Resources and Skills Development)**

Respondent

**SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division – Leave to Appeal Decision**

SOCIAL SECURITY TRIBUNAL MEMBER: Hazelyn Ross

DATE OF DECISION: June 17, 2015

DECISION

[1] Leave to appeal to the Appeal Division of the Social Security Tribunal of Canada is refused.

INTRODUCTION

[2] On March 11, 2015, the General Division of the Social Security Tribunal of Canada, (the Tribunal), issued its decision refusing the Applicant's appeal of a denial of payment of a *Canada Pension Plan*, (CPP), disability pension. The Applicant seeks leave to appeal this decision. She submits that the General Division erred in law in making its decision, whether or not the error appears on the face of the record.

ISSUE

[3] The Tribunal must decide if the appeal would have a reasonable chance of success.

THE LAW

[4] The grant of leave to appeal a General Division decision is governed by sections 56 to 59 of the *Department of Employment and Social Development Act*, (DESD Act). To grant leave the Appeal Division must be satisfied that the appeal would have a reasonable chance of success; a reasonable chance of success being equated to an arguable case.

ANALYSIS

[5] At the first application stage of the appeal process, an applicant need only raise an arguable case. The threshold is lower than that which must be met on the hearing of the appeal on the merits. However, the Tribunal must first decide whether the reasons for the Application for leave to appeal relate to a ground of appeal and whether the appeal would have a reasonable chance of success.

[6] The Applicant has made only one submission. She cites paragraph 58(1)(b) as the reason for the appeal. However, the Applicant has not identified any errors of law that the General Division might have committed. Neither has the Applicant identified any erroneous finding of

fact which the General Division may have made in a perverse or capricious manner or without regard for the material before it. As well, the Applicant has not pointed to any possible breach of natural justice. Indeed, outside of the bald submission that the General Division erred, the Applicant has put forward no submission to support her contention.

[7] The Tribunal understands that the Applicant disagrees with the decision of the General Division, however, the Applicant has not provided any evidentiary basis that would allow the Tribunal to assess whether or not she has raised an arguable case. It is not sufficient for an applicant merely to recite a ground of appeal and to leave the Tribunal to guess at the basis of their submission. The Application is deficient in this regard and the Tribunal is not satisfied that the appeal has a reasonable chance of success.

CONCLUSION

[8] The Application for Leave to Appeal is refused.

Hazelyn Ross

Member, Appeal Division