

Citation: *Canada Employment Insurance Commission v. L. W.*, 2014 SSTAD 268

Appeal No. AD-13-109

BETWEEN:

Canada Employment Insurance Commission

Applicant

and

L. W.

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division – Leave to Appeal

SOCIAL SECURITY TRIBUNAL MEMBER: Mark BORER

DATE OF DECISION: September 30, 2014

DECISION: Leave to appeal granted

DECISION

[1] On April 10, 2013, a panel of the board of referees (“the Board”) determined that the appeal of the Respondent from the previous determination of the Commission should be allowed. An application requesting leave to appeal to the Appeal Division was filed in due course.

[2] I have read and carefully considered the application of the Commission. The Commission has raised several arguments to the effect that the Board erred in its decision.

[3] The Commission argues that the Board erred in its interpretation and application of the test for voluntary leaving to attend a course of instruction, and also erred by concluding that the Respondent had a reasonable assurance of employment in the immediate future.

[4] In my view, these arguments raise an arguable case and if true could lead to the appeal being allowed. Therefore, these arguments have a reasonable chance of success and leave to appeal should be granted.

Mark Borer

Member, Appeal Division