

Citation: *R. F. v. Canada Employment Insurance Commission*, 2014 SSTAD 273

Appeal No. AD-13-7

BETWEEN:

R. F.

Applicant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division – Leave to Appeal

SOCIAL SECURITY TRIBUNAL MEMBER: Mark BORER

DATE OF DECISION: October 1, 2014

DECISION: Leave to appeal refused

DECISION

[1] On February 22, 2013, a panel of the board of referees (“the Board”) determined that the appeal of the Applicant from the previous determination of the Commission should be denied. On April 12, 2013, the Applicant filed an application requesting leave to appeal to the Appeal Division.

[2] The Applicant’s application was filed outside of the current 30-day time limit. However, it was filed within the 60-day limit which existed at the time the Board decision was communicated to him. Moreover, the Board communicated to the Applicant that he indeed had 60 days to appeal, which created a reasonable expectation that the 60-day limit would be applied in his case. In light of this, it is my view that it would be contrary to the interests of justice to disallow the application for lateness and I therefore allow further time within which this application can be made.

[3] I have read and carefully considered the application of the Applicant. Although he re-stated his position before the Board that the WSIB should have repaid the Commission the moneys in question, in my view his arguments were properly dealt with by the Board in their decision. Other than this attempt to re-argue his case, he articulated no specific error or ground of appeal that could cause me to overturn the decision of the Board. I therefore turned my mind to the docket to determine if any ground of appeal existed on the face of the record.

[4] Having considered the appeal docket, the written submissions, and the decision of the Board, I find no ground of appeal that would have a reasonable chance of success. In my view, as evidenced by the decision, the Board conducted a proper hearing, weighed the evidence, made findings of fact, established the correct law, and applied the facts to the law.

[5] As it has no reasonable chance of success, this application for leave to appeal must be refused.

Mark Borer

Member, Appeal Division