Citation: *O. B. v. Canada Employment Insurance Commission*, 2014 SSTAD 280

Appeal No. AD-13-240

BETWEEN:

O. B.

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 2, 2014

DECISION: Leave to appeal refused

DECISION

[1] On March 21, 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.

[2] The Applicant's application was filed with the Tribunal outside of the current 30-day time limit. However, the Applicant attempted to file his application with an umpire within the old 60-day limit, and only became aware that this was no longer the correct procedure after the appeal period had passed. 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. In it, he states at length his view that his employer should not have fired him, and did so without having any proof that he had done something wrong. He concludes his submissions by asking that he be reinstated in his position with a written apology and full compensation for lost wages.

[4] Although the Applicant does reference the grounds of appeal set out in the *Employment Insurance Act*, in my view other than attempting to re-argue his case he has not articulated any specific error or ground of appeal that could cause me to overturn the decision of the Board. I additionally note that I do not have the power to grant the Applicant the remedy he seeks.

[5] Therefore, I turned my mind to the docket to determine if any ground of appeal existed on the face of the record. 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.

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

Mark Borer
Member, Appeal Division