

Citation: *L. P. v. Canada Employment Insurance Commission*, 2014 SSTAD 374

Appeal No. AD-13-692

BETWEEN:

L. P.

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: December 16, 2014

DECISION: Leave to appeal granted

DECISION

[1] On December 14, 2012, a panel of the board of referees (“the Board”) dismissed the appeal of the Applicant. In due course, the Applicant filed an application with the Appeal Division requesting leave to appeal.

[2] In its decision, the Board imposed a disentitlement for being outside of Canada and for being unavailable, and upheld a Commission notice of violation and penalty.

[3] On the face of the record it appears that the Board may not have applied the correct test to determine whether or not the Applicant was available during the time in question. As such, it is my view that this appeal has a reasonable chance of success on that point and therefore leave to appeal must be granted.

Mark Borer

Member, Appeal Division