

Citation: *A. N. v. Canada Employment Insurance Commission*, 2014 SSTAD 408

Appeal No. AD-13-1127

BETWEEN:

A. N.

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 31, 2014

DECISION: Leave to appeal refused

DECISION

[1] On February 25, 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] Subsection 58(1) of the *Department of Employment and Social Development Act* states that the only grounds of appeal are that:

- (a) The General Division failed to observe a principle of natural justice or otherwise acted beyond or refused to exercise its jurisdiction;
- (b) The General Division erred in law in making its decision, whether or not the error appears on the face of the record; or
- (c) The General Division based its decision on an erroneous finding of fact that it made in a perverse or capricious manner or without regard for the material before it.

[4] The *Act* also states that leave to appeal is to be refused if the appeal has “no reasonable chance of success”.

[5] I have read and carefully considered the application of the Applicant. In it, he references the principles of natural justice and states that “the Board based its decision on a

law that is wrong and unjust”. He also states his views regarding the unjust nature of the overall system to protect injured workers.

[6] Although the Applicant does reference the principles of natural justice, he has not articulated any reasons that fall under the enumerated grounds of appeal. I therefore conclude that this application does not have a reasonable chance of success.

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

Mark Borer

Member, Appeal Division