

Citation: *Canada Employment Insurance Commission v. B. R.*, 2015 SSTAD 86

Appeal No. AD-13-1178

BETWEEN:

**Canada Employment Insurance Commission**

Applicant

and

**B. R.**

Respondent

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**SOCIAL SECURITY TRIBUNAL DECISION**  
**Appeal Division – Leave to Appeal**

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SOCIAL SECURITY TRIBUNAL MEMBER: Mark BORER

DATE OF DECISION: January 21, 2015

DECISION: Leave to appeal granted

## DECISION

[1] On April 23, 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.

[2] 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.

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

[4] I have read and carefully considered the application of the Commission. In it, the Commission outlines in detail how the Board erred in law in determining that the provisions of the *Employment Insurance Regulations* should not be applied as written.

[5] In my view, these pleadings set out grounds which have a reasonable chance of success. Accordingly, this application for leave to appeal is granted.

*Mark Borer*

Member, Appeal Division