

Citation: *G. B. v. Canada Employment Insurance Commission*, 2015 SSTAD 105

Appeal No. AD-13-646

BETWEEN:

G. 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: January 29, 2015

DECISION: Leave to appeal refused

DECISION

[1] On March 27, 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 July 15, 2013, the Applicant filed an application requesting leave to appeal to the Appeal Division.

[2] In her application, the Applicant says that she received the Board’s decision on April 10, 2013, and that she had been told that she had 60 days to appeal. I note that even accepting this as true, her application is still late. Although no further explanation has been provided, 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. For the reasons below, I note that the Commission will not suffer any prejudice as a result of this.

[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 [or the Board] failed to observe a principle of natural justice or otherwise acted beyond or refused to exercise its jurisdiction;
- (b) The General Division [or the Board] erred in law in making its decision, whether or not the error appears on the face of the record; or
- (c) The General Division [or the Board] 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 her submissions, the Applicant disagrees with the result of the hearing before the Board, and

re-states some of the evidence she provided to them, but does not set out any of the enumerated grounds of appeal.

[6] I note that the role of the Appeal Division is to determine if an error has been made by the Board and if so to provide a remedy for that error. In my view, the Applicant's submissions do not disclose any specific error or ground of appeal that has 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