

Citation: *J. B. v. Canada Employment Insurance Commission*, 2015 SSTAD 136

Appeal No. AD-13-102

BETWEEN:

**J. B.**

Applicant

and

**Canada Employment Insurance Commission**

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: February 4, 2015

DECISION: Leave to appeal granted

## DECISION

[1] On August 1, 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 dismissed. In due course, the Applicant filed a request for leave to appeal to the Appeal Division.

[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] According to the law, decisions of the Board are treated as if they were decisions of the General Division.

[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, the Applicant denies making any false representations as found by the Board. She does not appear to be appealing against the remainder of the decision.

[6] On the face of the record it appears that the Board may not have properly applied the legal test or jurisprudence on the issue of the penalty and the notice of violation. For that reason, I find that this appeal has a reasonable chance of success.

[7] Accordingly, this application for leave to appeal is granted.

*Mark Borer*

Member, Appeal Division