

Citation: *R. S. v. Canada Employment Insurance Commission and Hitchco Distributors Ltd.*,
2015 SSTAD 148

Appeal No. AD-13-103

BETWEEN:

R. S.

Applicant

and

Canada Employment Insurance Commission and Hitchco Distributors Ltd.

Respondents

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division – Leave to Appeal

SOCIAL SECURITY TRIBUNAL MEMBER: Mark BORER

DATE OF DECISION: February 5, 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 Employer from the previous determination of the Commission should be allowed. In due course, the Applicant filed an application requesting 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 [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.

[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 Applicant. In his submissions he re-states at length the situation that caused him to quit his employment. Following a request for additional submissions, the Applicant provided a further restatement of his position. Although he references the enumerated grounds set out in the *Act*, he appears to be asking that I re-hear the case and come to a determination different from that already rendered by the Board.

[5] I note that the role of the Appeal Division is to determine if a reviewable error set out in ss. 58(1) of the *Act* has been made by the Board and if so to provide a remedy for that error. In the absence of such a reviewable error, the law does not permit the Appeal Division to intervene simply because it might disagree with the Board’s conclusions.

[6] In order to have a reasonable chance of success, the Applicant must set out at least one reviewable error they feel has been made. Having failed to do so, this application for leave to appeal does not have a reasonable chance of success and must be refused.

Mark Borer

Member, Appeal Division