

Citation: *N. M. v. Canada Employment Insurance Commission*, 2015 SSTAD 161

Appeal No. AD-13-137

BETWEEN:

N. M.

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: February 6, 2015

DECISION: Leave to appeal refused

DECISION

[1] On April 17, 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 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 her submissions, she re-states the evidence she provided to the Board. Although she references one of the enumerated grounds set out in the *Act*, she appears to be asking that I re-hear the case and come to a factual 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.

[6] In order to have a reasonable chance of success, the Applicant must explain how at least one reviewable error has been made by the Board. 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