

Citation: *J. B. v. Canada Employment Insurance Commission*, 2015 SSTAD 186

Appeal No. AD-13-705

BETWEEN:

J. 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: February 10, 2015

DECISION: Leave to appeal granted

DECISION

[1] On August 15, 2013, a member of the General Division 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:

- (i) The General Division failed to observe a principle of natural justice or otherwise acted beyond or refused to exercise its jurisdiction;
- (ii) The General Division erred in law in making its decision, whether or not the error appears on the face of the record; or
- (iii) 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 Applicant. In it, the Applicant outlines her views as to how the General Division made factual and legal errors in dismissing her appeal. Specifically, she alleges that the General Division did not properly understand her argument and erred in interpreting and applying the law regarding the collection of benefits while outside of Canada.

[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