

Citation: *R. W. v. Canada Employment Insurance Commission*, 2015 SSTAD 201

Appeal No. AD-13-610

BETWEEN:

**R. W.**

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 13, 2015

DECISION: Leave to appeal granted

## DECISION

[1] On August 12, 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:

- (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] 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 his views as to how the General Division improperly ignored the arguments he made. He further explains how he took all the steps that a reasonable and prudent person would take to make themselves aware of their rights and obligations, and submits that this means that he should qualify for the antedate he requested.

[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