Citation: *Q. C. v. Canada Employment Insurance Commission*, 2015 SSTAD 261

Appeal No. AD-13-155

BETWEEN:

Q. C.

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 26, 2015

DECISION: Leave to appeal granted

DECISION

[1]   On May 10, 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 [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 it, the Applicant outlines his views as to how the Board improperly determined the number of insurable hours he had accumulated. The Applicant asks that the decision of the Board be explained to him.

[5]   Although I make no finding on the matter, it appears on the face of the record that the Board has not made any findings of fact on the points at issue as required by law.

[6]   In my view, these pleadings set out grounds which have a reasonable chance of success. Accordingly, this application for leave to appeal is granted.

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Mark Borer
Member, Appeal Division

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