

Citation: *R. K. v. Canada Employment Insurance Commission*, 2015 SSTAD 329

Appeal No. AD-14-161, AD-14-162, AD-14-163, AD-14-164, and AD-14-165

BETWEEN:

R. K.

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: March 10, 2015

DECISION: Leave to appeal granted

DECISION

[1] On January 14, 2014, a member of the General Division determined that the appeals of the Applicant from five previous determinations of the Commission should be dismissed. In due course, the Applicant filed a request for leave to appeal to the Appeal Division for all of these decisions. Not seeing any injustice that might be caused and in the belief that it would streamline matters and be in the interests of justice, I have joined these five cases together under s. 13 of the *Social Security Tribunal Regulations*. This decision applies to all five.

[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] In addition to a general claim that he was entitled to benefits, the Applicant submits that he “called about the date”, indicated that he would not be available, and received a new hearing date of January 27, 2014. Therefore, he states that the decisions rendered on the earlier date were unfair.

[5] Although I am informed by Tribunal staff that no evidence for such a call can be found, if shown to be true the Applicant’s arguments could result in a successful appeal. I therefore find that these pleadings have a reasonable chance of success and that these applications for leave to appeal should be granted.

Mark Borer

Member, Appeal Division