

Citation: *T. M. v. Canada Employment Insurance Commission*, 2015 SSTAD 330

Appeal No. AD-14-168

BETWEEN:

**T. M.**

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: March 10, 2015

DECISION: Leave to appeal granted

## DECISION

[1] On January 7, 2014, 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] Among other arguments, the Applicant submits that the Commission and the General Division should not have required that she submit a doctor’s note because there is no such requirement in the *Employment Insurance Act*. She also submits that her antedate request should have been granted because the delay was entirely caused by the Commission requiring the note.

[5] If proven, the Applicant’s arguments could result in a successful appeal. I therefore find that these pleadings have a reasonable chance of success and that this application for leave to appeal should be granted.

*Mark Borer*

Member, Appeal Division