

Citation: *S. B. v. Canada Employment Insurance Commission*, 2015 SSTAD 308

Appeal No. AD-13-425

BETWEEN:

S. 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: March 6, 2015

DECISION: Leave to appeal granted

DECISION

[1] On March 27, 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] The Applicant submits that the Board did not listen to his arguments, and that one member of the Board appeared ill and inattentive. He also submits that he was forced to leave his employment because if he did not he would lose his health care benefits, which constituted a significant part of his compensation package.

[5] 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 this application for leave to appeal should be granted.

Mark Borer

Member, Appeal Division