

Citation: *C. B. v. Canada Employment Insurance Commission*, 2015 SSTAD 345

Appeal No. AD-14-99

BETWEEN:

C. 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 12, 2015

DECISION: Leave to appeal granted

DECISION

[1] On November 26, 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] Among other arguments, the Applicant submits that she is now in possession of a doctor’s note as mentioned by the General Division member and should therefore have her case reassessed.

[5] I note that on the face of the record, the General Division member appears to have found that various umpire decisions are binding upon him. Although I make no finding on the matter, if the member did in fact do so then this may constitute an error of law.

[6] If proven, this could result in a successful appeal. I therefore find that this application has a reasonable chance of success and that leave to appeal should be granted.

Mark Borer

Member, Appeal Division