

Citation: *N. M. v. Canada Employment Insurance Commission*, 2015 SSTAD 412

Appeal No. AD-14-441

BETWEEN:

**N. 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 25, 2015

DECISION: Leave to appeal granted

## **DECISION**

[1] On June 14, 2014, a member of the General Division determined that the appeal of the Applicant from the previous determination of the Commission should be allowed in part. In due course, the Applicant filed an application 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 General Division member erred by finding that the Applicant had knowingly made false statements. In support of this, the Applicant details at length how the General Division member’s conclusions were flawed in law and in fact.

[5] I find that this application is not simply a request for a re-hearing of the evidence but the legitimate raising of an enumerated ground of appeal. Although I make no finding on the matter, these arguments are adequately explained such that if proven they could result in a successful appeal.

[6] I therefore find that these pleadings have a reasonable chance of success. Accordingly, this application for leave to appeal must be granted.

*Mark Borer*

Member, Appeal Division