

Citation: *A. Q., D. M., and G. R. v. Canada Employment Insurance Commission*,  
2015 SSTAD 522

Appeal Nos. AD-14-533, AD-14-534 and AD-14-535

BETWEEN:

**A. Q., D. M., and G. R.**

Appellants

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: April 24, 2015

DECISION: Leave to appeal granted

## **DECISION**

[1] On August 19, 2014, a member of the General Division determined that the appeals of the Appellants from the previous determinations of the Commission should be dismissed. In due course, the Appellants filed three applications 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 Appellants submit that the Commission erred by imposing disentitlements retroactively rather than on a current basis. Although not stated, it is implied that the General Division member erred by not so finding.

[5] The Commission asks that these three files be heard together with AD-14-258 and four other files, all of which relate to the same employer and the same situation, so that the outcome is consistent for all of these Appellants. The Commission makes no substantive submissions with regard to the leave to appeal application in these three files.

[6] For unrelated reasons and on consent, the four other files referred to in the previous paragraph have been dealt with separately and are no longer relevant here.

[7] The three Appellants are represented by one person, and while they have no objection to their three appeals being heard together they oppose being joined together with AD-14-258 as requested. The Appellant in AD-14-258 has not made submissions on the issue.

[8] Although I note that the Commission is silent on leave to appeal in these three files, they appear to be offering a partial concession in identical circumstances in AD-14-258. I therefore agree that these applications show a reasonable chance of success and that leave to appeal should be granted.

[9] I also order that these three files be heard together with AD-14-258 according to s. 13 of the *Social Security Tribunal Regulations*. I make this order because the issues and facts are substantially similar and it would save time and effort to do so. I have considered the opposition of the Appellants in these three files, but can find no prejudice that would result from the files being joined together.

[10] As leave has already been granted in AD-14-258, I further order that a copy of this decision be added to file AD-14-258 and be served on all parties to that matter.

*Mark Borer*

Member, Appeal Division