

Citation: *P. G. v. Canada Employment Insurance Commission*, 2015 SSTAD 527

Appeal No. AD-14-156

BETWEEN:

**P. G.**

Appellant

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 28, 2015

DECISION: Leave to appeal refused

## **DECISION**

[1] On January 27, 2014, a member of the General Division determined that the appeal of the Appellant from the previous determination of the Commission should be dismissed. In due course, the Appellant filed an application requesting 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] In her application, the Appellant explains at length her view that the General Division decision under appeal was wrongly decided. The Appellant restates many of the arguments made to the General Division member, and appears to be asking that I re-hear the case and come to a conclusion different from that already rendered by the member.

[5] The Appellant also alleges that her Employer interrupted her while she was speaking during the hearing. She does not allege, however, that this interruption had any impact on the decision rendered or suggest that she was prevented from making her arguments in full. I note that a lack of courtesy displayed by a witness is not a ground of appeal in the *Act* in and of itself.

[6] The role of the Appeal Division is to determine if a reviewable error set out in ss. 58(1) of the *Act* has been made by the General Division and if so to provide a remedy for

that error. In the absence of such a reviewable error, the law does not permit the Appeal Division to intervene.

[7] In order to have a reasonable chance of success, the Appellant must explain how at least one reviewable error has been made by the General Division. Having failed to do so, this application for leave to appeal does not have a reasonable chance of success and must be refused.

*Mark Borer*

Member, Appeal Division