

Citation: *G. B. v. Canada Employment Insurance Commission*, 2015 SSTAD 657

Appeal No. AD-13-691

BETWEEN:

G. B.

Appellant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division – Leave to Appeal

SOCIAL SECURITY TRIBUNAL MEMBER : Mark BORER

DATE OF DECISION : May 28 2015

DECISION : Leave to appeal granted

DECISION

[1] On July 3, 2013, a panel of the board of referees (the Board) determined that the appeal of the Appellant from the previous determination of the Commission should be allowed in part. In due course, the Appellant 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 [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 Appellant re-states many of the arguments he made before the Board, and points out a number of alleged inconsistencies in the Board findings.

[5] Although I make no findings on the matter I am prepared to accept, especially given the extremely lengthy history of this file, that grounds to allow the appeal may exist. As such, this application has a reasonable chance of success and leave to appeal must be granted so that the Appellant can be heard.

Mark Borer

Member, Appeal Division