

Citation: *A. M. v. Canada Employment Insurance Commission*, 2015 SSTAD 645

Appeal No. AD-14-286

BETWEEN:

**A. M.**

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 :      May 26, 2015

DECISION :      Leave to appeal granted

## DECISION

[1] On May 9, 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 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] Along other arguments, the Appellant submits that he called the number he was given for the teleconference, but the General Division member did not appear. He asks that he be given a chance to make his case.

[5] Although I make no findings on the matter I also note that, contrary to s. 12 of the *Social Security Tribunal Regulations*, the General Division member proceeded in the absence of the Appellant without stating that they were satisfied that the Appellant received notice of the hearing.

[6] I therefore find that this application has a reasonable chance of success. For that reason, this application for leave to appeal must be granted.

*Mark Borer*

Member, Appeal Division