

Citation: *C. P. v. Canada Employment Insurance Commission and C/A Services Ltd.*,
2015 SSTAD 673

Appeal No. AD-14-305

BETWEEN:

C. P.

Appellant

and

Canada Employment Insurance Commission and C/A Services Ltd.

Respondents

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division – Leave to Appeal

SOCIAL SECURITY TRIBUNAL MEMBER: Mark BORER

DATE OF DECISION: June 1, 2015

DECISION: Leave to appeal granted

DECISION

[1] On May 21, 2014, a General Division member determined that the appeal of the Employer from the previous determination of the Commission should be allowed. 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] The Appellant submits that the General Division member was biased against her and had made up his mind prior to the hearing. Among other things, she alleges that he stated that he “would never have allowed” the initial claim to have been backdated. She asks that a new hearing be ordered so that she has can make her case before an impartial arbitrator.

[5] Allegations of bias are extremely serious. Although I make no finding on the matter, I find that there are sufficient specifics here to establish grounds for appeal.

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

Mark Borer

Member, Appeal Division