

Citation: *W. A. v. Canada Employment Insurance Commission*, 2015 SSTAD 702

Appeal No. AD-14-595

BETWEEN:

W. A.

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: June 4, 2015

DECISION: Leave to appeal granted

DECISION

[1] On October 31, 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] The Appellant admits that he voluntarily left his job to go back to school, but states that he was authorized by the Commission to attend an apprenticeship course. He submits a 16-digit reference code as evidence, and does not understand why the General Division member ruled against him.

[5] Although I make no finding on the matter, I note that on the face of the record the General Division member may not have properly stated and applied the law before coming to his conclusions that the Appellant had not shown just cause to leave his employment.

[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.

[7] To ensure that this potentially novel issue is handled as efficiently as possible I would ask that the parties turn their minds to the interaction of sections 25 and 29 of the *Employment Insurance Act*.

Mark Borer

Member, Appeal Division