

Citation: *W. B. v. Canada Employment Insurance Commission*, 2015 SSTAD 677

Appeal No. AD-14-571

BETWEEN:

W. 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: June 2, 2015

DECISION: Leave to appeal refused

DECISION

[1] On October 23, 2014, a member of the General Division declined to allow an extension of time to appeal from the previous determination of the Commission. On November 12, 2014, the Appellant filed an application requesting leave to appeal this decision 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 underlying decision under appeal here is the Commission decision to refuse to grant an extension of time to the Appellant to file a request for reconsideration. The Appellant appears to have filed such a request approximately twelve (12) years after he was informed of his initial refusal of benefits, well beyond the 30-day appeal period.

[5] In his application, the Appellant alleges no particular error on the part of the General Division member. Instead, the Appellant re-states a number of his views regarding the initial refusal of the Commission to grant him benefits. As noted above, that initial refusal was not before the General Division member and is not under appeal here.

[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. It is not our role to re-hear the case *de novo*.

[7] In order to have a reasonable chance of success, the Appellant must explain in some detail how in their view at least one reviewable error set out in the *Act* has been made. 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