

Citation: *M. H. v. Canada Employment Insurance Commission*, 2015 SSTAD 1033

Appeal No. AD-15-201

BETWEEN:

M. H.

Applicant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division – Leave to Appeal

SOCIAL SECURITY TRIBUNAL MEMBER: Mark BORER

DATE OF DECISION: August 31, 2015

DECISION: Leave to appeal granted

DECISION

[1] On March 18, 2015, a member of the General Division determined that the Applicant's request for an extension of time to file her appeal should be refused. In due course, the Applicant 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 Applicant makes a number of arguments to the effect that she should not have to pay a penalty or fine. She also provides information regarding her current situation, and asks that someone contact her to negotiate a payment plan.

[5] Although I make no findings on the matter, I note that on the face of the record the General Division member appears to have misapprehended the date that the Applicant's appeal was filed and that the Applicant's appeal may not actually have been filed late. If shown to be true, this would result in a successful appeal.

[6] I therefore find that these pleadings have a reasonable chance of success. Accordingly, this application for leave to appeal must be granted.

Mark Borer

Member, Appeal Division