

Citation: *D. P. v. Canada Employment Insurance Commission*, 2015 SSTAD 1115

Appeal No. AD-15-340

BETWEEN:

**D. P.**

Applicant

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: September 18, 2015

DECISION: Leave to appeal granted

## DECISION

[1] On April 17, 2015, a member of the General Division determined that the appeal of the Applicant from the previous determination of the Commission should be dismissed. 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] Among other arguments, the Applicant submits that he did not receive the notice of hearing. He asks for an opportunity to be heard.

[5] Although I make no finding on the matter, if found to be true the Applicant’s pleadings could support a successful appeal.

[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