

Citation: *G. W. v. Canada Employment Insurance Commission*, 2015 SSTAD 1185

Appeal No. AD-15-1030

BETWEEN:

**G. W.**

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: October 5, 2015

DECISION: Leave to appeal granted

## DECISION

[1] On August 14, 2015, a member of the General Division determined that the Applicant's appeal 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] The Applicant submits that he does not understand why his appeal was dismissed, as he received an insurability ruling from the Canada Revenue Agency in his favour.

[5] Although I make no findings on the matter, I note that on the face of the record the General Division member found that in accordance with the above insurability ruling the Applicant's benefit rate should be increased. It therefore follows that the General Division member may have actually intended to allow the Applicant's appeal, even though the decision stated that the appeal was dismissed.

[6] At the very least, this application has a reasonable chance of success and leave to appeal must be granted.

*Mark Borer*

Member, Appeal Division