

Citation: *N. P. v. Canada Employment Insurance Commission*, 2015 SSTAD 1340

Appeal No. AD-15-1150

BETWEEN:

N. P.

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: November 19, 2015

DECISION: Leave to appeal refused

DECISION

[1] On September 17, 2015, a member of the General Division refused the Applicant's application to rescind or amend an earlier decision. In due course, the Applicant 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] In his application the Applicant references the *Act* and states that the General Division erred in not admitting the evidence he submitted, although he does not directly identify any legal error committed by the member.

[5] Instead, the Applicant indicates that he is aware of the member's work history, and makes a number of personal attacks. The Applicant also states that the member's rescind and amend decision will result in:

"...a revolution, a world financial and monetary collapse. IT WILL BE THE CAUSE OF A WORLD WAR III [sic]. It will cause the demise of our entire civilization... At the end when all humanity has perished [the member] can sit in his reinforced [sic] bunker style [city name] house on a chunk of asteroid style earth piece celebrating [sic] his victory all alone (with a bunch of alien civilization entities...) and self proclaim [sic] himself for a Nobel Prize of the aeon (not the year, decade or a century-that's too small for the self grandeur [sic] esteem of megalomania of [the member]... He'd rather hinder he [sic] entire humanity han [sic] pay out less than 10 grand EI to applicant [sic]."

[6] Much of the application is written in this vein. Suffice it to say that this does not constitute an application with a reasonable chance of success.

[7] 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*.

[8] In order to have a reasonable chance of success, the Applicant 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