

Citation: *A. M. v. Canada Employment Insurance Commission*, 2015 SSTAD 1383

Appeal No. AD-15-282

BETWEEN:

A. M.

Appellant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division – Appeal

SOCIAL SECURITY TRIBUNAL MEMBER: Mark BORER

DATE OF DECISION: December 1, 2015

DECISION: Appeal dismissed

DECISION

[1] The appeal is dismissed.

INTRODUCTION

[2] On April 22, 2015, a General Division member determined that the appeal of the Appellant from the previous determination of the Commission should be dismissed. The Appellant appealed that decision to the Appeal Division and leave to appeal was granted.

[3] This appeal was decided on the record.

ANALYSIS

[4] In granting leave to appeal, I noted at paragraph 5 of the decision that:

Allegations of bias are extremely serious. Although I make no finding on the matter, I find that there are sufficient specifics here to establish grounds for appeal. I will, however, expect the Applicant to provide further submissions and evidence regarding these allegations. I note that the courts have repeatedly stated that there is a strong but rebuttable presumption that a judicial or quasi-judicial decision maker (such as the General Division member) is not biased against any party.

[5] This was the sole ground upon which leave to appeal was granted.

[6] To date, contrary to my expectations as expressed in my leave to appeal decision, the Appellant has made no further submissions regarding his allegations of bias. Instead, he has restated the evidence he provided to the General Division member and made negative comments about the Commission and the Canada Revenue Agency.

[7] Because of this, I find that the Appellant has failed in his duty to substantiate his allegations of bias. To be clear, the record discloses absolutely no basis upon which to conclude that a reasonable apprehension of bias (or actual bias) existed on the part of the General Division member. I further find that no such bias or reasonable apprehension of bias exists.

[8] Regardless, I have reviewed the General Division decision. I find that it correctly stated the law, made findings of fact supported by the evidence, applied the law in a reasonable manner to those facts, and came to conclusions that were entirely reasonable.

[9] There is no reason for the Appeal Division to intervene.

CONCLUSION

[10] For the above reasons, the appeal is dismissed.

Mark Borer

Member, Appeal Division