



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *T. M. v. Canada Employment Insurance Commission*, 2016 SSTADEI 43

Appeal No. AD-15-1299

BETWEEN:

**T. M.**

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: January 26, 2016

DECISION: Leave to appeal refused

**Canada**

## **DECISION**

[1] On October 30, 2015, a member of the General Division dismissed the Applicant's appeal from the previous determination of the Commission. In due course, the Applicant filed an application requesting leave to appeal this amended decision to the Appeal Division.

[2] Subsection 58(1) of the *Department of Employment and Social Development Act* (the 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 her application the Applicant stated that she had reason to believe that she was entitled to benefits because she had been looking for a job before she quit.

[5] Noting that the Applicant's appeal was not complete because the grounds of appeal were not sufficiently detailed, Tribunal staff contacted the Applicant by letter and asked for further details. Specifically, the Tribunal asked that she provide full and detailed grounds of appeal as required by the Act, and provided her with examples of what constitutes grounds of appeal. The Tribunal letter also noted that if she did not do so, her application could be refused without further notice to her.

[6] The Applicant responded with a letter stating that she had been treated unfairly by her Employer. She also claimed that the General Division failed to observe a principle of natural justice because “it’s Unfair for me to be denied my Unemployment Benefits [sic]”. The Applicant appears to be suggesting that I re-weigh the evidence and come to a conclusion more favorable to her.

[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*

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Member, Appeal Division