



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *M. B. v. Canada Employment Insurance Commission*, 2016 SSTADEI 105

Tribunal File Number: AD-15-1633

BETWEEN:

M. B.

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: February 24, 2016

DECISION: Leave to appeal refused

DECISION

[1] On November 19, 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 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 his application the Applicant re-stated his view (previously expressed to the General Division member) that he did not leave his job, but was laid off. He also says that he has requested that his Employer write a letter to this effect, although no such letter was submitted. The Applicant did not reference the grounds of appeal or explain in what manner the member erred, and appeared to be asking that I re-weigh the evidence and come to a different conclusion than that already rendered by the General Division member.

[5] Noting that the Applicant's appeal was not complete because the grounds of appeal were not sufficiently detailed, I requested that Tribunal staff contact the Applicant by letter and ask for further details. Specifically, the Tribunal letter asked that he provide full and detailed grounds of appeal as required by the Act, and provided him with examples of what

constitutes grounds of appeal. The Tribunal letter also noted that if he did not do so, his application could be refused without further notice.

[6] The Applicant did not respond.

[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