



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *D. M. v. Canada Employment Insurance Commission*, 2016 SSTADEI 267

Tribunal File Number: AD-15-1078

BETWEEN:

D. M.

Applicant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division

DECISION BY:: Mark Borer

DATE OF DECISION: May 24, 2016

DECISION

- [1] On September 14, 2015, a member of the General Division allowed in part the Applicant's appeal from the previous determination of the Commission. In due course, the Applicant filed an application requesting 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] In his application the Applicant states that he is appealing "on the base natural justice has not occurred [sic]". Specifically, he makes a number of allegations regarding the lack of professionalism of the Commission. The Applicant also alleged that the Commission had a conflict of interest, and should not be involved in employment insurance matters.
- [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 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 responded by repeating that he was appealing on the basis of natural justice “due to conflict of interest”. No legal or factual basis was identified for the Applicant’s views.

[7] The above submissions do not disclose an appeal with a reasonable chance of success.

[8] 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*.

[9] 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