



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *W. G. v. Canada Employment Insurance Commission*, 2016 SSTADEI 276

Tribunal File Number: AD-16-547

BETWEEN:

W. G.

Applicant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division

DECISION BY:: Mark Borer

DATE OF DECISION: May 25, 2016

DECISION

[1] On March 8, 2016, 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] Initially, the Applicant did not identify any ground of appeal that had a reasonable chance of success.

[5] Noting that the Applicant's appeal was not complete because the grounds of appeal were not sufficiently detailed, I asked Tribunal staff to contact the Applicant by letter and ask for further details. Specifically, the Tribunal letter 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.

[6] In response, the Applicant explained her view that the General Division member erred in law and in fact by finding that she was not available within the meaning of the

Employment Insurance Act. The Applicant also provided case law in support of her position.

[7] Having considered these additional pleadings, I find that this appeal has a reasonable chance of success and that leave to appeal must be granted.

Mark Borer

Member, Appeal Division