



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

[TRANSLATION]

Citation: *B. M. v. Canada Employment Insurance Commission*, 2016 SSTADEI 273

Tribunal File Number: AD-16-304 and AD-16-305

BETWEEN:

B. M.

Appellant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division – Appeal Decision

DECISION BY: Shu-Tai Cheng

DATE OF DECISION: May 26, 2016

REASONS AND DECISION

INTRODUCTION

[1] On December 4, 2016, the Appeal Division of the Social Security Tribunal of Canada (Tribunal) granted the Appellant leave to appeal.

[2] The Tribunal requested written submissions from the parties.

[3] The Appellant and the Respondent filed submissions. The submissions indicated that there was a mutual agreement. In a letter dated April 28, 2016, the Tribunal requested that the parties submit a signed agreement representing their consent.

[4] The Respondent submitted an agreement signed by both parties, dated May 2, 2016, and consents to the withdrawal of the appeals in both files.

[5] The agreement states the following:

The parties consent to this decision being rendered without either party present based on the following conclusion:

The Claimant's appeal regarding her benefit rate calculation is dismissed.

The Respondent agrees to cancel the payments of partial weeks of benefits, as requested in the appeal file.

ISSUES

[6] The Tribunal's Appeal Division must decide whether to dismiss the appeal; render the decision that the General Division (GD) should have rendered; refer the matter back to the GD; or confirm, rescind, or revise the decision.

ANALYSIS

[7] In its decision (application for leave to appeal) of April 4, 2016, the Tribunal's Appeal Division notes that:

[14] The General Division did not explain which section of the Act prevents the Commission from processing a claim over three weeks after the claim for benefits has been processed. Moreover, the General Division seems to have limited its analysis to subsection 52(2) of the Act, which states what the Commission must do in the event that a person receives money despite not meeting the necessary conditions, or if a person doesn't receive money despite meeting the conditions. However, subsection 52(1) of the Act seems to allow the Commission to reconsider decisions in other situations.

[15] After reviewing the appeal file, the General Division's decision, and the Applicant's arguments, the Tribunal finds that the appeal has a reasonable chance of success. The Applicant has raised an issue relating to natural justice, an error in jurisdiction, or an error in law, the answer to which may lead to the setting aside of the decision attacked.

[8] The Appellant no longer disputes the calculation of her benefits. She agrees to withdraw her appeals if the Respondent agrees to cancel the payment of partial weeks of benefits.

[9] After reviewing the agreement of the two parties, the files, and the GD's decision, I dismiss the appeals regarding the benefit rate calculation.

CONCLUSION

[10] The appeals are dismissed.

[11] The Respondent agrees to cancel the payments of partial weeks of benefits, as requested in the appeal file.

Shu-Tai Cheng
Member, Appeal Division