



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *G. J. v. Canada Employment Insurance Commission*, 2016 SSTADEI 317

Tribunal File Number: AD-16-575

BETWEEN:

**G. J.**

Applicant

and

**Canada Employment Insurance Commission and Alouette Addictions Service**

Respondent

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**SOCIAL SECURITY TRIBUNAL DECISION**  
**Appeal Division**

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DECISION BY: Mark Borer

DATE OF DECISION: June 16, 2016

## DECISION

[1] On March 1, 2016, a member of the General Division dismissed the Applicant's appeal from the previous determination of the Commission. In due course, the Appellant filed an application requesting leave to appeal this decision to the Appeal Division.

[2] The Applicant's application to the Appeal Division was filed slightly late. It appears that the Applicant's attempt to bring his appeal earlier was impeded by an unfortunate injury suffered by his representative. Because of this, I accept that the Applicant has had a continuing intention to appeal and that he has accounted for the short delay. As I also find, for the reasons below, that this appeal has a reasonable chance of success, in the interests of justice I allow further time within which this application can be made.

[3] 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.

[4] The Act also states that leave to appeal is to be refused if the appeal has "no reasonable chance of success".

[5] In his application, the Applicant repeated the submissions he made to the General Division and objected to the member's factual findings.

[6] Although I make no finding on the matter, I note that on the face of the record the General Division member does not appear to have properly explained why he disregarded

the Applicant's evidence in favour of that presented by the Employer.

[7] Because of this I am prepared to conclude that this appeal has a reasonable chance of success and that therefore leave to appeal must be granted.

*Mark Borer*

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Member, Appeal Division