Social Security Tribunal of Canada | Tribunal de la sécurité sociale du Canada

Citation: *C. M. v. Canada Employment Insurance Commission*, 2016 SSTADEI 331

Tribunal File Number: AD-16-649 and AD-16-650

BETWEEN:

**C. M.**

Applicant

and

**Canada Employment Insurance Commission**

Respondent

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# SOCIAL SECURITY TRIBUNAL DECISION

## Appeal Division

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DECISION BY: Mark Borer

DATE OF DECISION: June 23, 2016

Canada

## DECISION

[1] On April 6, 2016, a member of the General Division dismissed the Applicant's two appeals from the previous determination of the Commission. In due course, the Applicant filed an application requesting leave to appeal these two decisions 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 initial application the Applicant re-stated at length many arguments that she had previously made before the General Division but did not articulate any particular error made by the General Division. She concluded by asking that her claim be "considered" because "I feel that based on my circumstare [sic] I have an unfair disadvantage".

[5] Because no particular error was articulated, I directed Tribunal staff to contact the Applicant by letter and ask for further details. Specifically, the Tribunal letter asked that the Applicant provide full and detailed grounds of appeal as required by the Act, and provided examples of what constitutes grounds of appeal. The Tribunal letter also noted that if this was not done, the application could be refused without further notice.

[6] The Applicant responded by questioning the decisions and professionalism of Service Canada, but once again failed to explain why the General Division determination that she had insufficient hours to qualify for her first claim and that she had received the maximum number of weeks of benefits available to her for her second claim was wrong in law.

[7] While it is clear that the Applicant disagrees with the General Division decision, I find that the Applicant's submissions do not identify a ground of appeal that has a reasonable chance of success. In essence, this application is a blanket objection to the member's findings and is a request that I re-hear the case and come to a different conclusion.

[8] This I cannot do.

[9] 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*.

[10] 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