



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *G. T. v. Canada Employment Insurance Commission*, 2016 SSTADEI 560

Tribunal File Number: AD-16-1270 and AD-16-1271

BETWEEN:

G. T.

Applicant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division

Leave to Appeal Decision by: Mark Borer

Date of Decision: November 29, 2016

REASONS AND DECISION

[1] Previously, a member of the General Division dismissed two of the Applicant's appeals as abandoned. 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] The Applicant submits that the General Division member erred by dismissing her appeals without hearing her side of the case. She pleads that she missed the hearing because she only received the notice of hearing after the hearing had already taken place.

[5] If proven, these pleadings could result in a successful appeal. Accordingly, I find that this appeal has a reasonable chance of success and this application for leave to appeal should be granted.

[6] That being said, I note that the General Division went to extreme lengths to accommodate the Applicant and scheduled and rescheduled multiple hearings at her request. I further note that the General Division member explained in great detail why he deemed the Applicant to have abandoned her appeal.

[7] In granting leave to appeal, I expect the Applicant to fully address these points in her written submissions prior to any hearing.

Mark Borer

Member, Appeal Division