



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *W. F. v. Canada Employment Insurance Commission*, 2016 SSTADEI 576

Tribunal File Number: AD-16-1299

BETWEEN:

W. F.

Applicant

and

Canada Employment Insurance Commission

Respondent

and

National Hearing Service

Added Party

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division

Leave to Appeal Decision by: Mark Borer

Date of Decision: December 21, 2016

REASONS AND DECISION

[1] Previously, a member of the General Division dismissed the Applicant appeal. In due course, the Applicant filed an application requesting leave to appeal.

[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] The Applicant submits that the General Division member erred by dismissing her appeals without hearing her side of the case. She pleads that she did not receive the notice of hearing.

[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.

Mark Borer

Member, Appeal Division