



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *D. C. v. Canada Employment Insurance Commission*, 2016 SSTADEI 580

Tribunal File Number: AD-16-1247

BETWEEN:

**D. C.**

Applicant

and

**Canada Employment Insurance Commission**

Respondent

and

**Culliton Inc**

Added Party

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

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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's appeal. In due course, the Applicant filed an application requesting leave to appeal this decision to the Appeal Division.

[2] Subsection 58(1) of the *Department of Employment and Social Development Act* (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 her submissions, the Applicant outlines her views as to how the General Division member made legal and factual errors in dismissing her appeal. Among other arguments, she alleges that the General Division member failed to properly explain why she preferred the evidence of the Employer over the Applicant's.

[5] If proven, these pleadings could result in a successful appeal. Accordingly, as there is some evidence in the record to support this argument, 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