



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *S. L. v. Canada Employment Insurance Commission*, 2017 SSTADEI 113

Tribunal File Number: AD-17-79

BETWEEN:

**S. L.**

Applicant

and

**Canada Employment Insurance Commission**

Respondent

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

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Leave to Appeal Decision by: Pierre Lafontaine

Date of Decision: March 21, 2017

## **REASONS AND DECISION**

### **DECISION**

[1] The Tribunal refuses leave to appeal to the Appeal Division of the Social Security Tribunal (Tribunal).

### **INTRODUCTION**

[2] On December 21, 2016, the General Division of the Tribunal refused an extension of time for the Applicant to appeal to the General Division of the Tribunal.

[3] The Applicant requested leave to appeal to the Appeal Division on January 27, 2017, after receiving the General Division decision on January 4, 2017.

### **ISSUE**

[4] The Tribunal must decide whether the appeal has a reasonable chance of success.

### **THE LAW**

[5] According to subsections 56(1) and 58(3) of the *Department of Employment and Social Development Act* (DESD Act), “An appeal to the Appeal Division may only be brought if leave to appeal is granted” and “The Appeal Division must either grant or refuse leave to appeal.”

[6] Subsection 58(2) of the DESD Act provides that “[l]eave to appeal is refused if the Appeal Division is satisfied that the appeal has no reasonable chance of success.”

### **ANALYSIS**

[7] Subsection 58(1) of the DESD Act states that the only grounds of appeal are the following:

- 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.

[8] In regard to the application for leave to appeal, the Tribunal needs to be satisfied that the reasons for appeal fall within any of the above-mentioned grounds of appeal and that at least one of the reasons has a reasonable chance of success, before leave can be granted.

[9] The Applicant argues that the full nature of her illness over the past four years was not communicated successfully to the General Division. She would like to appeal to the Appeal Division's sense of compassion. She has suffered from severe depression over the past four years. She did not mention to the General Division that she has a gambling addiction. She has recently hit rock bottom and now recognizes that she is a compulsive gambler. She is discussing with her family doctor on the possibility of attending an in-patient treatment centre.

[10] The Tribunal sent the Applicant correspondence on February 15, 2017, requesting that she submit her detailed grounds of appeal before March 14, 2017. To this day, the Tribunal has not received a reply from the Applicant.

[11] Unfortunately for the Applicant, an appeal to the Appeal Division of the Tribunal is not a *de novo* hearing, where a party can re-submit evidence and hope for a new favourable outcome.

[12] The Applicant has not identified any errors of jurisdiction or any failure by the General Division to observe a principle of natural justice. She has not identified errors in law nor identified any erroneous findings of fact that the General Division may have made in a perverse or capricious manner or without regard for the material before it in coming to its decision.

[13] After reviewing the appeal docket and the General Division's decision, and considering the Applicant's arguments in support of her request for leave to appeal, the Tribunal finds that the appeal has no reasonable chance of success. The Applicant did not set out reasons that fall into the above-enumerated grounds of appeal that could possibly lead to the reversal of the disputed decision.

## **CONCLUSION**

[14] The Tribunal refuses leave to appeal to the Appeal Division of the Tribunal.

Pierre Lafontaine  
Member, Appeal Division