



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *J. D. v. Canada Employment Insurance Commission*, 2017 SSTADEI 133

Tribunal File Number: AD-17-245

BETWEEN:

J. D.

Applicant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division

Leave to Appeal Decision by: Mark Borer

Date of Decision: March 30, 2017

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 his submissions, the Applicant submits that he was disconnected from the General Division teleconference hearing and was unable to reconnect. He asks that a new hearing be ordered so that he can make his case in full.

[5] I note that the General Division member (in an unnumbered paragraph at the beginning of his decision) found that the Applicant had disconnected the call of his own volition after first engaging in "a short rant against the Government [*sic*]".

[6] In any case, the Applicant's pleadings do indeed establish an argument with a reasonable chance of success. Accordingly, this application for leave to appeal must be granted.

[7] I expect and require the Applicant to fully address the General Division member's finding cited above in a legible typewritten format in advance of any hearing.

Mark Borer

Member, Appeal Division