



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *S. W. v. Canada Employment Insurance Commission*, 2017 SSTADEI 134

Tribunal File Number: AD-17-256

BETWEEN:

**S. W.**

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: 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 outlined his views as to how the General Division member erred in finding that he had not shown just cause for voluntarily leaving his employment.

[5] Although I make no finding on the matter, I note on the face of the record that the findings of the General Division member (at paragraphs 55 and 57 of her decision) could be interpreted as being contradictory.

[6] For this reason, I find that this appeal has a reasonable chance of success and that this application for leave to appeal must be granted.

*Mark Borer*

Member, Appeal Division