



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *L. G. v. Canada Employment Insurance Commission*, 2017 SSTADEI 146

Tribunal File Number: AD-17-269

BETWEEN:

**L. G.**

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: April 5, 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 her submissions, the Applicant outlined her views as to how the General Division member erred in determining the amount of the earnings to be allocated.

[5] Although I make no finding on the matter, I note that on the face of the record it is not immediately obvious how (at paragraph 22 of his decision) the member determined the amount of earnings to be allocated, especially given his summary of the minutes of settlement (found at paragraph 9).

[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