



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *W. C. v. Canada Employment Insurance Commission*, 2017 SSTADEI 147

Tribunal File Number: AD-16-1013

BETWEEN:

W. C.

Applicant

and

Canada Employment Insurance Commission

Respondent

and

Welland Avenue Food Services Inc.

Added Party

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division

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* (DESDA) 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 various submissions, the Applicant outlines her views as to how the General Division member erred in finding that she had not shown just cause for voluntarily leaving her employment. Specifically, she alleges that she faced racial discrimination in the workplace and that this was not properly addressed by the General Division member.

[5] Although I make no finding on the matter, I find that the allegations made by the Applicant are sufficient to potentially ground a successful appeal and that on the face of the record there is some support for her arguments.

[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