



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *J. R. v. Canada Employment Insurance Commission*, 2017 SSTADEI 168

Tribunal File Number: AD-17-332

BETWEEN:

J. R.

Applicant

and

Canada Employment Insurance Commission

Respondent

and

Milepost Oilfield Services Ltd.

Added Party

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division

Leave to Appeal Decision by: Mark Borer

Date of Decision: April 27, 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 DESDA 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 outlines his views as to how the General Division member erred in law and in fact. Specifically, he alleges a number of specific errors made by the General Division member including a breach of natural justice involving the Tribunal-provided interpreter. The Applicant explains in detail the basis for these arguments in his application.

[5] Although I make no finding on the matter, I am persuaded that there is some basis in fact to support the Applicant's arguments and that, if true, they could ground a successful appeal.

[6] For these reasons, 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