



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *J. C. v. Canada Employment Insurance Commission*, 2017 SSTADEI 207

Tribunal File Number: AD-17-235

BETWEEN:

**J. C.**

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: May 18, 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 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 her initial application, the Applicant stated that she was not satisfied with the General Division decision. She also alleged that Service Canada employees had given her bad advice which resulted in her current difficulties.

[5] Because these submissions did not state a ground of appeal, Tribunal staff contacted the Applicant and asked for more information.

[6] She responded by repeating her allegations regarding the bad advice she received from Service Canada employees, and argued that she should not be held responsible for the lack of training at Service Canada.

[7] Because these submissions did not set out a ground of appeal with a reasonable chance of success, and to make sure that the Applicant had the opportunity to make her case in full, I asked Tribunal staff to again contact the Applicant by letter to seek further details.

Specifically, the Tribunal letter asked that the Applicant provide full and detailed grounds of appeal as required by the DESDA, and provided examples of what constitutes grounds of appeal. The Tribunal letter also noted that if this was not done, the application could be refused without further notice.

[8] The Applicant did not respond.

[9] In truth, the Applicant is asking that I ignore the law and grant her benefits. I note that even if I were to accept that the Applicant had been given bad advice by Service Canada, I have no power to award benefits to claimants who do not qualify for those benefits.

[10] The role of the Appeal Division is to determine if a reviewable error set out in ss. 58(1) of the DESDA has been made by the General Division and, if so, to provide a remedy for that error. In the absence of such a reviewable error, the law does not permit the Appeal Division to intervene. It is not our role to rehear the case *de novo*.

[11] In order to have a reasonable chance of success, an applicant must set out in some detail how at least one reviewable error set out in the DESDA has been made. Because the Applicant has failed to do this, even after having twice been prompted by the Tribunal, I find that this application for leave to appeal does not have a reasonable chance of success and must be refused.

*Mark Borer*

Member, Appeal Division