

Citation: *P. R. v. Canada Employment Insurance Commission*, 2014 SSTAD 24

Appeal No. 2013-0198

BETWEEN:

P. R.

Appellant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division – Appeal

SOCIAL SECURITY TRIBUNAL MEMBER: Mark BORER

DATE OF DECISION: April 7, 2014

DECISION: Appeal allowed

DECISION

[1] On consent, the appeal is allowed. The matter will be returned to the General Division of the Social Security Tribunal of Canada (“the Tribunal”) for a new hearing with a Tamil interpreter present.

INTRODUCTION

[2] On January 8, 2013, a panel of the Board of Referees (the “Board”) determined that the appeal of the Appellant from the previous determination of the Commission should be denied. The Appellant appealed that decision to the Office of the Umpire on February 1, 2013.

[3] On April 1, 2013 the Appeal Division of the Social Security Tribunal of Canada (“the Tribunal”) became seized of any appeal not heard by an Umpire by that date.

[4] On April 1, 2014, a teleconference was held. Both the Appellant and the Commission attended.

ANALYSIS

[5] It was clear at the beginning of the teleconference hearing that the Appellant required the services of a Tamil interpreter and that therefore an adjournment was necessary. As I was about to order such an adjournment, the Commission informed me that once the matter was brought back before me with an interpreter present it was their intention to concede the appeal. They submitted that the reasons of the Board were insufficient and that the matter should be returned to the General Division of the Tribunal for a new hearing.

[6] It is true that full written reasons must be given for all Board decisions. Without written reasons, it is impossible for the parties to understand the reasoning of the Board or to assess properly grounds for appeal.

[7] I agree that the reasons given in this case are insufficient. The purpose of a Board hearing is to make findings of fact and law, and then come to a decision based upon those findings. Anything less is contrary to the principles of natural justice, and cannot stand.

[8] I note with concern that the Appellant did not understand the concession of the Commission because of the language barrier. However, if this matter were to be rescheduled with a Tamil interpreter in attendance, the Commission would simply restate their concession and the matter would be sent back to the General Division of the Tribunal for a new hearing.

[9] Therefore, in my view it is in the interests of justice to forgo rescheduling this teleconference and instead simply refer the matter back for a new hearing. I further direct that at the new hearing a Tamil interpreter be present.

CONCLUSION

[10] Therefore, for the reasons above and on consent, the appeal is allowed and the matter is referred back to the General Division of the Tribunal for a new hearing with a Tamil interpreter present.

Mark Borer

Member, Appeal Division