

Citation: *J. T. v. Canada Employment Insurance Commission*, 2014 SSTAD 270

Appeal No. AD-13-239

BETWEEN:

**J. T.**

Appellant

and

**Canada Employment Insurance Commission**

Respondent

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**SOCIAL SECURITY TRIBUNAL DECISION**  
**Appeal Division – Appeal**

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SOCIAL SECURITY TRIBUNAL MEMBER: Mark BORER

DATE OF DECISION: September 30, 2014

DECISION: Appeal allowed

## **DECISION**

[1] On consent, the appeal is allowed. The case will be returned to the General Division for reconsideration.

## **INTRODUCTION**

[2] On March 22, 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. In due course, the Appellant appealed to the Appeal Division.

[3] This appeal was decided on the record.

## **ANALYSIS**

[4] The Appellant pleads that he was not aware of the hearing before the Board, and was therefore unable to fully argue his case.

[5] The Commission, having considered the docket and the submissions of the Appellant, concedes that there should be a new hearing so that the Appellant may be heard.

[6] It has long been held that the right to be heard is a fundamental natural justice right. It is well established that the denial of this right is a breach of the principles of natural justice and constitutes grounds for a new hearing.

[7] I agree with the parties that the Appellant did not have the opportunity to argue his case fully. As this represents a violation of the principles of natural justice, this decision cannot stand.

## **CONCLUSION**

[8] For the above reasons, the appeal is allowed. The case will be returned to the General Division for reconsideration.

*Mark Borer*

Member, Appeal Division