

Citation: *C. L. v. Canada Employment Insurance Commission*, 2014 SSTAD 318

Appeal No. AD-14-512

BETWEEN:

C. L.

Appellant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division – Appeal

SOCIAL SECURITY TRIBUNAL MEMBER: Mark BORER

DATE OF DECISION: November 5, 2014

DECISION: Appeal allowed

DECISION

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

INTRODUCTION

[2] On February 27, 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 that decision to the Appeal Division.

[3] This appeal was decided on the record.

ANALYSIS

[4] The Appellant pleads that she was involved in a car accident on the way to the Board hearing, and was therefore unable to attend. She asks that her appeal be allowed.

[5] The Commission, having considered the docket, agrees that a new hearing must be held so that the Appellant can make her case fully. They ask that the appeal be allowed and the matter be returned to the General Division for reconsideration.

[6] I agree with the parties that this appeal must be allowed. 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.

CONCLUSION

[7] On consent, the application for leave to appeal is granted and the appeal is allowed. The case will be returned to the General Division for reconsideration.

Mark Borer

Member, Appeal Division