

Citation: *A. B. v. Canada Employment Insurance Commission*, 2015 SSTAD 85

Appeal No. AD-13-1121

BETWEEN:

**A. B.**

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: January 21, 2015

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 March 26, 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 dismissed. 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 he misplaced his documents, and therefore was unable to attend the hearing before the Board. He asks that his appeal be allowed.

[5] The Commission, having considered the docket, agrees that a new hearing must be held so that the Appellant can make his 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