

Citation: *P. S. v. Canada Employment Insurance Commission*, 2015 SSTAD 200

Appeal No. AD-13-78

BETWEEN:

**P. S.**

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: February 13, 2015

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 April 25, 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. Leave to appeal to the appeal division was granted on December 11, 2014.

[3] This appeal was decided on the record.

## **ANALYSIS**

[4] The Appellant argues that the Board erred in its interpretation and application of subsection 30(3) of the *Employment Insurance Regulations* and the related jurisprudence, and also erred in law and fact by finding that the Appellant had knowingly made a false or misleading representation.

[5] The Commission, having considered the docket, agrees that the Board made errors in its decision that cannot be allowed to stand. They ask that the appeal be allowed and the matter be returned to the General Division for reconsideration so that the issues can be heard *de novo*.

[6] I agree with the parties that errors were made by the Board, and that this matter should be returned to the General Division so that the parties can argue their respective positions fully.

## **CONCLUSION**

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

*Mark Borer*

Member, Appeal Division