

Citation: *Z. H. v. Canada Employment Insurance Commission*, 2015 SSTAD 415

Appeal No. AD-14-176

BETWEEN:

**Z. H.**

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: March 26, 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 January 29, 2014, a member of the General Division 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 and leave to appeal was granted.

[3] This appeal was decided on the record.

## **ANALYSIS**

[4] The Appellant pleads that he did not receive notice of his General Division hearing because he was out of the country when the notice arrived at his house. In support of this, he has provided copies of his plane tickets. 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] Although I note that the General Division member did not know that the Appellant was unaware of the date and time of the hearing, 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 appeal is allowed. The case will be returned to the General Division for reconsideration.

*Mark Borer*

Member, Appeal Division