

Citation: *B. C. v. Canada Employment Insurance Commission*, 2015 SSTAD 581

Appeal No. AD-14-365

BETWEEN:

B. C.

Appellant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division – Appeal

SOCIAL SECURITY TRIBUNAL MEMBER : Mark BORER

DATE OF DECISION : May 11, 2015

DECISION : Appeal allowed

DECISION

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

INTRODUCTION

[2] On June 24, 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.

[3] This appeal was decided on the record.

ANALYSIS

[4] Among other arguments, the Appellant submits that she did not receive notice of the hearing because it was sent to her Ontario address and she was in Manitoba at the time. For this reason, she was unable to attend and argue her case fully.

[5] The Commission opposes the appeal on the merits, but in the circumstances described by the Appellant does not oppose a new hearing being held.

[6] I note that, contrary to s. 12 of the *Social Security Tribunal Regulations*, the General Division member proceeded in the absence of the Appellant without stating that they were satisfied that the Appellant received notice of the hearing.

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

[8] I am therefore of the opinion that this appeal must be allowed so that the Appellant can plead her case in full.

CONCLUSION

[9] On consent, 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