

Citation: *X. H. v. Canada Employment Insurance Commission*, 2015 SSTAD 667

Appeal No. AD-13-914

BETWEEN:

**X. 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: June 1, 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 17, 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. The Appellant appealed that decision to the Appeal Division. On May 28, 2015, the Appellant was allowed an extension of time to file her application, and leave to appeal was granted.

[3] This appeal was decided on the record.

## **ANALYSIS**

[4] The Appellant submits that she missed the hearing before the Board because she was out of town and only became aware of it upon her return. She asks for a new hearing so that she can make her case in full.

[5] The Commission submits that in the circumstances described by the Appellant a new hearing should be held so that she can be heard in full.

[6] 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.

[7] I agree with the parties that this appeal must be allowed so that the Appellant can plead her case in full.

## **CONCLUSION**

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

*Mark Borer*

Member, Appeal Division