



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *J. R. v. Canada Employment Insurance Commission*, 2016 SSTADEI 44

Appeal No. AD-15-429

BETWEEN:

J. R.

Appellant

and

Canada Employment Insurance Commission

Respondents

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division – Appeal

SOCIAL SECURITY TRIBUNAL MEMBER: Mark BORER

DATE OF DECISION: January 26, 2016

DECISION: Appeal dismissed

Canada

DECISION

[1] The appeal is dismissed.

INTRODUCTION

[2] On June 24, 2015, a General Division member 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 and leave to appeal was granted.

[3] This appeal was decided on the record.

ANALYSIS

[4] In granting leave to appeal, I noted at paragraphs 4 to 6 that:

In her application for leave to appeal, the Applicant states that due to technical problems with the teleconference system, she was unable to connect to the General Division teleconference. She asks that a new hearing be held so she can make her case in full.

I find that this application raises appeal grounds that have a reasonable chance of success. For that reason, this application for leave to appeal must be granted.

I note, however, that I am unaware of any technical issues with the teleconference system during the time in question. I will therefore require the Applicant to provide (in writing) additional evidence or argument to substantiate her claim.

[5] This was the sole ground upon which leave to appeal was granted.

[6] To date, contrary to my expectations as expressed in my leave to appeal decision, the Appellant has made no further submissions or provided any additional evidence.

[7] I also observe that according to the General Division decision, the Appellant did not appear at her first General Division hearing. At that time, she argued that “she misunderstood the instructions how to get on the hearing call” and was granted a new hearing by the General Division member. At the new hearing, she again did not appear

and (as she had been properly served) the General Division member proceeded in her absence.

[8] It is the decision resulting from this second failure to appear that the Appellant appeals against.

[9] The Commission, for their part, opposes the appeal and notes that the Appellant has already received one new hearing at the General Division. They also maintain that there is no basis to conclude that her right to a fair hearing has not been observed.

[10] Having considered the file, I find that the Appellant has failed in her duty to substantiate her appeal. In the absence of any evidence or further submissions, I agree with the Commission that there is no basis for me to conclude that the natural justice rights of the Appellant have been violated.

[11] Regardless, I have reviewed the General Division decision. I find that it correctly stated the law, made findings of fact supported by the evidence, applied the law in a reasonable manner to those facts, and came to conclusions that were entirely reasonable.

[12] There is no reason for the Appeal Division to intervene.

CONCLUSION

[13] For the above reasons, the appeal is dismissed.

Mark Borer

Member, Appeal Division