



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *S. S. v. Canada Employment Insurance Commission*, 2016 SSTADEI 300

Tribunal File Number: AD-15-163

BETWEEN:

S. S.

Appellant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division

DECISION BY: Mark Borer

HEARD ON: June 9, 2016

DATE OF DECISION: June 13, 2016

DECISION

[1] The appeal is dismissed as abandoned.

INTRODUCTION

[2] On March 4, 2015, a member of the General Division determined that the Appellant's appeal from the previous determination of the Commission should be dismissed. In due course, the Appellant appealed further to the Appeal Division and leave to appeal was granted.

ANALYSIS

[3] In accordance with the *Social Security Tribunal Regulations*, notice of a teleconference hearing was sent to the parties. Unfortunately, the letter sent to the Appellant by registered mail was returned to the Tribunal.

[4] Soon thereafter, the Tribunal succeeded in contacting the Appellant's representative. He advised that he had since retired, and had been unable to contact the Appellant since before the General Division hearing over a year before (at which time the Appellant failed to appear). The representative was unable to provide the Tribunal with any information on where to locate the Appellant.

[5] Although the Commission attended the scheduled teleconference hearing, neither the Appellant nor anyone on her behalf did so. The Appellant has not communicated with the Tribunal since she initially filed her application for leave to appeal.

[6] According to s.6 of the *Regulations*, all parties must file with the Tribunal notice of any change in their contact information without delay. The Appellant has failed to do so.

[7] Although an available option would be simply to hold the appeal in abeyance until further information becomes available, this is impractical as well as prejudicial to the Commission. They are entitled to have the matter resolved, one way or the other, and there is little value in maintaining "orphan" files indefinitely.

[8] As this is a very similar situation to that with which I dealt with in *V.O. v. Canada Employment Insurance Commission and Tube Mac Industries*, 2014 SSTAD 2, I see no reason not to deal with this case in the same way. The Commission, for their part, has raised no objection to doing so.

[9] I therefore find that the Appellant has failed to comply with s. 6 of the *Regulations* and that her appeal should be dismissed as abandoned for that reason. I do not make this decision lightly, and do so in the belief that this decision complies with my regulatory requirement to secure the just and most expeditious determination of appeals and applications as the considerations of fairness and natural justice permit.

CONCLUSION

[10] For the above reasons, the appeal is dismissed as abandoned.

Mark Borer
Member, Appeal Division