



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *S. T. v. Canada Employment Insurance Commission*, 2016 SSTADEI 478

Tribunal File Number: AD-16-1123

BETWEEN:

S. T.

Appellant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division

Decision by: Mark Borer

Date of Decision: September 20, 2016

DECISION

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

INTRODUCTION

[2] Previously, a General Division member determined that the Appellant's appeal from the previous determination of the Commission should be dismissed. The Appellant appealed that decision to the Appeal Division.

[3] This appeal was decided on the record.

ANALYSIS

[4] The Appellant submits that she did not call into the General Division hearing because she mistakenly believed that the Tribunal would be calling her at home. She asks that she be given a new hearing so that she can make her case in full.

[5] The Commission, after reading the application for leave to appeal, agrees that it would be in the interests of justice to grant leave to appeal, set aside the General Division decision, and return the matter for a new hearing so that the Applicant can make their case 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] Because of this, notwithstanding the fact that the General Division member proceeded correctly, I am prepared to give effect to the shared view of the parties that a new hearing is warranted.

CONCLUSION

[8] 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