



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *Y. A. v. Canada Employment Insurance Commission*, 2016 SSTADEI 482

Tribunal File Number: AD-14-196

BETWEEN:

**Y. A.**

Appellant

and

**Canada Employment Insurance Commission**

Respondent

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**SOCIAL SECURITY TRIBUNAL DECISION**  
**Appeal Division**

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DECISION BY: Mark Borer

HEARD ON: September 16, 2016

DATE OF DECISION: September 20, 2016

## **DECISION**

[1] 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 and leave to appeal was granted.

[3] A teleconference hearing was held. The Appellant and the Commission each attended and made submissions.

## **ANALYSIS**

[4] In granting leave to appeal, I stated at paragraph 5 that:

Among other arguments, the Appellant submits that the General Division member should not have proceeded in her absence when she did not attend the hearing. Although phrased in an unusual manner, the Appellant appears to be arguing that she did not receive notice of the hearing and was therefore denied her right to be heard.

[5] At the hearing before me, the Appellant confirmed that she did not receive the notice of hearing.

[6] The Commission, after hearing her submissions, does not oppose a new hearing being ordered so that the Appellant can make their case in full.

[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] As noted by the General Division member in his decision, the notice of hearing sent to the Appellant was signed for. Unfortunately, it was not signed for by the Appellant. The Appellant suggests that this person might be a new resident of her old address.

[9] Because of this and noting the position of the Commission, although the Appellant contributed to the situation by not informing the Tribunal in a timely manner of her change of address, I am prepared to allow the appeal so that the Appellant can plead her case in full.

## **CONCLUSION**

[10] The appeal is allowed. The case will be returned to the General Division for reconsideration.

*Mark Borer*

Member, Appeal Division