



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *W. F. v. Canada Employment Insurance Commission*, 2017 SSTADEI 208

Tribunal File Number: AD-16-1299

BETWEEN:

**W. F.**

Appellant

and

**Canada Employment Insurance Commission**

Respondent

and

**National Hearing Service**

Added Party

---

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

---

DECISION BY: Mark Borer

DATE OF DECISION: May 18, 2017

## **DECISION**

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

## **INTRODUCTION**

[2] Previously, a General Division member determined that the Appellant's appeal 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] Among other arguments, the Appellant submits that she did not receive the General Division notice of hearing. The Appellant asks for a new hearing so that she can make her case in full.

[5] The Commission observes that the General Division member only proceeded with the hearing after finding that the Appellant had personally signed for the notice of hearing. They ask that the appeal be dismissed.

[6] The Employer has not made any submissions.

[7] In her decision, the General Division member did indeed find that the Appellant had personally signed for the notice of hearing. Unfortunately, I can find no evidence in the record of any such signature. At my request, Tribunal staff made a diligent search for any such evidence, but also failed to find any.

[8] Because of this, it is not clear to me how the member reached her conclusion that the Appellant personally signed for the notice of hearing.

[9] 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.

[10] The Appellant has consistently maintained, including in post-decision correspondence to the General Division, that she never received the notice of hearing. I find her to be credible and, given the lack of evidence to the contrary, I accept her version of events.

[11] Having made the above finding, it follows that a new hearing is required so that the Appellant's natural justice rights are upheld.

### **CONCLUSION**

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

*Mark Borer*

Member, Appeal Division