



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

[TRANSLATION]

Citation: *Canada Employment Insurance Commission v. A. B.*, 2018 SST 17

Tribunal File Number: AD-17-415

BETWEEN:

**Canada Employment Insurance Commission**

Appellant

and

**A. B.**

Respondent

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

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DECISION BY: Pierre Lafontaine

DATE OF DECISION: January 5, 2018

## **REASONS AND DECISION**

### **DECISION**

[1] The appeal is allowed.

### **INTRODUCTION**

[2] On February 25, 2016, the General Division of the Social Security Tribunal of Canada (Tribunal) concluded that the imposition of a penalty on the Respondent was not justified under section 38 of the *Employment Insurance Act* (Act) and that the issuing of a notice of violation was also not justified under section 7.1 of the Act.

[3] The Appellant appealed the General Division's decision to the Appeal Division of the Tribunal, and the appeal was dismissed on September 7, 2016.

[4] The Attorney General of Canada, on behalf of the Appellant, then filed an application for judicial review before the Federal Court of Appeal on October 31, 2016; the application was granted on May 17, 2017.

[5] Given that the Federal Court of Appeal has rescinded the Appeal Division's decision that resulted in a judicial review and ordered that a new decision be rendered in keeping with the reasons of the Court, the Tribunal's Appeal Division must dispose of the appeal.

### **ANALYSIS**

[6] In light of the Federal Court of Appeal decision rendered on May 17, 2017, as well as the grounds supporting it, the General Division decision of February 25, 2016, and the Appeal Division decision of September 9, 2016, are rescinded. The Appellant's decision is restored. This decision indicated that imposing a penalty on the Respondent was justified under section 38 of the Act and that issuing a notice of violation to the Respondent under section 7.1 of the Act was also justified.

## **CONCLUSION**

[7] The appeal is allowed.

Pierre Lafontaine

Member, Appeal Division