



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

[TRANSLATION]

Citation: *R. R. v Canada Employment Insurance Commission*, 2020 SST 199

Tribunal File Number: AD-20-100

BETWEEN:

R. R.

Applicant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION

Appeal Division

Leave to Appeal Decision by: Jude Samson

Date of Decision: March 5, 2020

DECISION AND REASONS

DECISION

[1] I grant the application for leave to appeal and allow the appeal. This matter is returned to the General Division for reconsideration.

SETTLEMENT AGREEMENT

[2] I am making this decision after a settlement conference held on March 4, 2020. The Applicant and a representative for the Commission attended the conference. The purpose of the conference was to confirm the settlement proposed in the written submissions of the Attorney General of Canada to the Federal Court.¹

[3] In summary, the parties agreed as follows:

- a) In deciding the issue of the number of hours of insurable employment accumulated by the Applicant, the General Division made a decision that was outside its jurisdiction and that contained an error of law.²
- b) In this situation, it is appropriate to refer the matter back to the General Division for reconsideration.³
- c) The Commission states that it already asked the Canada Revenue Agency to make a decision on the issue of the number of hours of insurable employment accumulated by the Applicant during the relevant period. The General Division will not proceed with its assessment of the record until it receives the Canada Revenue Agency's decision.

¹ AD4.

² These errors are set out in sections 58(1)(a) and 58(1)(b) of the *Department of Employment and Social Development Act*.

³ The possible remedies are set out in section 59(1) of the *Department of Employment and Social Development Act*.

CONCLUSION

[4] Based on the information available to me, I am satisfied that the application for leave to appeal should be granted and the appeal allowed in accordance with the settlement agreement set out above.

Jude Samson
Member, Appeal Division

REPRESENTATIVES:	R. R., self-represented Isabelle Tiffault, Representative for the Respondent
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