



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *J. W. v Canada Employment Insurance Commission*, 2020 SST 305

Tribunal File Number: AD-20-240

BETWEEN:

J. W.

Applicant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division

Leave to Appeal and Appeal Decision by: Jude Samson

Date of Decision: April 9, 2020

DECISION AND REASONS

DECISION

[1] Based on the agreement of the parties, I am granting leave to appeal in this case. I am also allowing the appeal and sending the matter back to the General Division for reconsideration, with directions.

ANALYSIS

[2] The Claimant, J. W., applied for Employment Insurance regular benefits in September 2019. However, the Canada Employment Insurance Commission decided that she was disqualified from receiving those benefits.

[3] The Claimant appealed the Commission's decision to the Tribunal's General Division. The General Division invited the parties to a hearing on January 30, 2020, and made its decision later the same day.¹

[4] For reasons the Claimant has explained, however, she never received the Notice of Hearing that the General Division had sent to her.² As a result, the Claimant could not participate in the hearing, even though she had information that she wanted to share with the Tribunal. So, the Claimant appealed the General Division decision to the Tribunal's Appeal Division.

[5] In the circumstances, I invited the parties to a settlement conference. During the settlement conference, the parties agreed on the following:

- a) The General Division acted unfairly by not giving the Claimant proper notice of the hearing;³
- b) I should grant leave to appeal, allow the appeal, and send the file back to the General Division for reconsideration; and

¹ GD1.

² AD2.

³ This is a relevant error (or ground of appeal) listed in section 58(1)(a) of the *Department of Employment and Social Development Act*.

c) The General Division decision dated January 30, 2020, should be removed from the file before its assignment to a different Tribunal member.

[6] Based on the information available to me, I am satisfied that I should grant leave to appeal and allow the appeal in line with the agreement reached by the parties at the April 9, 2020, settlement conference.

Jude Samson
Member, Appeal Division

REPRESENTATIVES:	Odette Dempsey-Caputo, representative for the Applicant Isabelle Thiffault, representative for the Respondent
------------------	--