



Citation: *TA v Canada Employment Insurance Commission*, 2022 SST 417

Social Security Tribunal of Canada Appeal Division

Decision

Appellant: T. A.

Respondent: Canada Employment Insurance Commission
Representative: Gillies-Luc Bélanger

Decision under appeal: General Division decision dated February 14, 2022
(GE-22-11)

Tribunal member: Shirley Netten

Type of hearing: On the Record

Decision date: May 25, 2022

File number: AD-22-153

Decision

[1] The appeal is allowed. The matter will go back to the General Division for reconsideration.

Overview

[2] The Claimant, T. A., appealed a decision about his employment insurance (EI) benefits to the Tribunal's General Division.

[3] At the hearing, the General Division gave the Claimant a deadline to provide additional details about his job search and return to work. The General Division couldn't read some of what the Claimant sent in. After giving the Claimant an opportunity to send a better copy, the General Division proceeded with its decision.

[4] The General Division member was unaware that the Claimant had communicated with Tribunal staff and had made repeated efforts to send and resend the documentation.

The parties agree on the outcome of the appeal

[5] The parties now agree that it was procedurally unfair for the General Division to decide the appeal without considering the evidence the Claimant had submitted. The Claimant has asked for his appeal at the General Division to be reopened. The Commission's representative says that it is an option for me to refer the matter back to the General Division for reconsideration.

I accept the proposed outcome

[6] A failure to observe a principal of natural justice is one of the grounds of appeal at the Appeal Division.¹ As the Commission's representative noted, the right to be heard is a principle of natural justice. I agree with the parties that the General Division inadvertently proceeded without giving the Claimant a full and fair opportunity to present

¹ Section 58(1)(a) of the *Department of Employment and Social Development Act*

his evidence. In these circumstances, it is appropriate to refer the matter back to the General Division for reconsideration.

Conclusion

[7] The appeal is allowed. The matter will go back to the General Division for reconsideration.

Shirley Netten
Member, Appeal Division