



Citation: *KM v Canada Employment Insurance Commission*, 2022 SST 904

## **Social Security Tribunal of Canada Appeal Division**

# **Decision**

**Appellant:** K. M.

**Respondent:** Canada Employment Insurance Commission  
**Representative:** Rachel Paquette

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**Decision under appeal:** General Division decision dated June 30, 2022  
(GE-22-1306)

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**Tribunal member:** Shirley Netten

**Type of hearing:** On the Record

**Decision date:** September 14, 2022

**File number:** AD-22-501

## **Decision**

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

## **Background**

[2] The Claimant, K. M., was denied Employment Insurance benefits. She appealed to the Tribunal's General Division.

[3] The General Division sent a letter to the Claimant, giving her the opportunity to make arguments about whether her appeal should be summarily dismissed (without a hearing). Her deadline was June 23, 2022. The Claimant didn't respond to that letter.

[4] The Claimant called the Tribunal on June 21, 2022 to say that she hadn't been receiving any correspondence, and she asked for everything to be re-sent to her.<sup>1</sup> She was not told about the looming deadline, and the correspondence was not sent again. Apparently unaware of the phone call, the General Division member issued a decision dismissing the Claimant's appeal, on June 30, 2022.

## **The parties agree on the outcome of the appeal**

[5] At a case conference, the parties agreed that the General Division proceeded in a way that was unfair, and that the matter must return to the General Division.

## **I accept the proposed outcome**

[6] The Claimant did not have a fair opportunity to be heard before the General Division summarily dismissed her appeal. I agree that this was procedurally unfair.

[7] The Appeal Division can't accept new evidence about the claim for benefits. This matter will be returned to the General Division for reconsideration by a different

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<sup>1</sup> General Division telephone log of June 21, 2022, provided to the parties on August 26, 2022

member. The General Division is directed to correspond with the Claimant by **both** email and mail, using the updated mailing address.

## **Conclusion**

[8] The appeal is allowed. The matter will go back to the General Division for reconsideration by a different member. Correspondence must be sent to the Claimant by both email and mail.

Shirley Netten  
Member, Appeal Division