



Citation: *SM v Canada Employment Insurance Commission*, 2022 SST 1082

Social Security Tribunal of Canada Appeal Division

Decision

Appellant: S. M.

Respondent: Canada Employment Insurance Commission
Representative: Isabelle Thiffault

Decision under appeal: General Division decision dated September 6, 2022
(GE-22-1543)

Tribunal member: Shirley Netten

Type of hearing: On the Record

Decision date: October 25, 2022

File number: AD-22-724

Decision

The appeal is allowed. The matter will go back to the General Division for reconsideration by a different member.

Background

[1]

The Canada Employment Insurance Commission decided not to pay S. M. (Claimant) employment insurance benefits because she lost her employment as a result of misconduct. The Claimant appealed to the General Division. The General Division summarily dismissed the appeal.

[2]

The Claimant now appeals to the Appeal Division.

[3]

The parties agree on the outcome of the appeal

[4]

The parties agree that the General Division made a legal error by summarily dismissing the Claimant's appeal. They agree that the matter should return to the General Division for a hearing on the merits.

[5]

I accept the proposed outcome. The General Division stated but did not apply the proper test for summary dismissal.

[6]

For the Claimant's information, the General Division will open a new file. It will include the documents already submitted by the parties. If they want to, the parties can file additional documents prior to the hearing.

[7]

Conclusion

The appeal is allowed. The General Division made an error of law. The matter is returned to the General Division to be heard by a different member.

Shirley Netten
Member, Appeal Division