



[TRANSLATION]

Citation: *NL v Canada Employment Insurance Commission*, 2022 SST 1340

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

# **Decision**

**Applicant:** N. L.

**Respondent:** Canada Employment Insurance Commission

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**Decision under appeal:** General Division decision dated  
October 13, 2022 (GE-22-1931)

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**Tribunal member:** Jude Samson

**Decision date:** November 24, 2022

**File number:** AD-22-804

## **Decision**

[1] N. L. is the Claimant in this case. I am granting permission to appeal, I am allowing her appeal, and returning the matter back to the General Division so that it can consider the substantive issues.

## **Overview**

[2] The Claimant applied for Employment Insurance (EI) regular benefits. However, the Canada Employment Insurance Commission (Commission) imposed a disqualification, saying that she had lost her job because of her own misconduct.

[3] The Claimant appealed the Commission's decision to the Social Security Tribunal's General Division. The General Division scheduled a hearing. Both parties made written submissions before the hearing, but they didn't attend the hearing.

[4] Since the Claimant didn't attend the hearing, the General Division found that she had abandoned the appeal. As a result, the General Division closed the file without considering the substantive issues.

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

[5] I am making this decision after a settlement conference was held on November 24, 2022. The Claimant and a representative for the Commission attended the conference.

[6] At the conference, the parties reached an agreement that I summarize as follows:

- a) The General Division didn't follow procedural fairness by finding that the Claimant had abandoned her appeal and by closing the file without considering the substantive issues.

- b) In this situation, I should give permission to appeal, allow the appeal, and return this matter back to the General Division for it to consider the substantive issues.<sup>1</sup>

### **I accept the proposed outcome**

[7] The Claimant never intended to abandon her appeal. On the contrary, she made written submissions, just like the Commission did. Also, the notice of hearing didn't mention that failing to attend the hearing could be considered as her having abandoned her appeal.

[8] In this situation, I find that the General Division didn't follow procedural fairness and I accept the parties' proposed outcome.

### **Conclusion**

[9] Based on the information available to me, I am giving permission to appeal and allowing the appeal in line with the settlement agreement outlined above.

[10] Given the number of delays that have already taken place, I encourage the General Division to make this file a priority as much as possible.

[11] I want to thank the parties for settling this appeal.

Jude Samson  
Member, Appeal Division

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<sup>1</sup> This remedy is among those set out in section 59(1) of the *Department of Employment and Social Development Act*.