



[TRANSLATION]

Citation: *NL v Canada Employment Insurance Commission*, 2022 SST 1341

**Social Security Tribunal of Canada  
General Division – Employment Insurance Section**

**Decision**

**Appellant:** N. L.  
**Respondent:** Canada Employment Insurance Commission

---

**Decision under appeal:** Canada Employment Insurance Commission  
reconsideration decision (475059) dated May 18, 2022  
(issued by Service Canada)

---

**Tribunal member:** Charline Bourque  
**Type of hearing:** Teleconference  
**Hearing date:** October 6, 2022  
**Hearing participant:** No party attended the hearing  
**Decision date:** October 13, 2022  
**File number:** GE-22-1931

## Decision

[1] The Claimant abandoned the appeal. As a result, the file will be closed.

## Overview

[2] The Claimant applied for Employment Insurance (EI) regular benefits starting on February 13, 2022. On May 18, 2022, the Canada Employment Insurance Commission reconsidered its initial decision on the Claimant's misconduct.

[3] The Claimant appealed these decisions to this Tribunal's General Division on June 7, 2022. On September 21, 2022, the Tribunal set a date for a teleconference, as requested by the Claimant, on October 6, 2022. No party was present at the October 6, 2022, hearing.

## Issue

[4] Did the Claimant abandon the appeal before the General Division of the Social Security Tribunal?

## Analysis

[5] If a party fails to attend a hearing, the Tribunal can proceed in the party's absence if the Tribunal is satisfied that the party received notice that the hearing would be held.<sup>1</sup>

[6] I note that a notice of hearing was emailed to the Claimant on September 21, 2022, to tell her that the hearing would be on October 6, 2022. At the Claimant's request, the hearing was scheduled as a teleconference.<sup>2</sup>

[7] On September 29, 2022, the clerk called the Claimant to remind her of the hearing date. On October 2, 2022, the claimant followed up with an email to the Tribunal.

---

<sup>1</sup> See section 12(1)(a) of the *Social Security Tribunal Regulations*.

<sup>2</sup> See the Claimant's Notice of Appeal (GD2-3).

[8] The Claimant confirms that she was told the hearing would be on October 6, 2022. She told it about her situation and that she was dissatisfied with the Tribunal's delays. The Claimant finished by saying, [translation] "If I'm writing you today it's to tell you that you can decide whatever you want. Nothing can take away the psychological and financial harm I've experienced."<sup>3</sup>

[9] I attended the teleconference hearing on October 6, 2022, at the scheduled time and I waited for the Claimant. No party attended the hearing.

[10] Also, the Claimant hasn't contacted the Tribunal since her October 2, 2022, email.

[11] So, I am satisfied that the Claimant was told the hearing would be held.

[12] I also take into account the fact that I "must conduct proceedings as informally and quickly as the circumstances and the considerations of fairness and natural justice permit."<sup>4</sup>

[13] Since the Claimant didn't attend the hearing despite having been told it would be held, I find that the Appellant abandoned the appeal.

[14] I am doing this under section 3(2) of the *Social Security Tribunal Regulations* (Regulations), which says that if there is a question of procedure that isn't dealt with by the Regulations in a proceeding, the Tribunal must proceed by way of analogy to the Regulations.

[15] Also, I am of the view that I can dismiss an appeal if it is abandoned based on the general powers that an administrative tribunal member has to regulate the proceedings they conduct. I also note that the Federal Court of Appeal has approved the dismissal of an appeal because of abandonment.<sup>5</sup>

---

<sup>3</sup> See the Claimant's October 2, 2022, email (GD-6).

<sup>4</sup> Section 3(1)(a) of the *Social Security Tribunal Regulations*.

<sup>5</sup> See *Abdul v Canada (Attorney General)*, 2001 FCA 271; *A. Q. v Canada Employment Insurance Commission*, 2015 SSTAD 303.

## **Conclusion**

[16] I find that the Claimant abandoned the appeal. This means that the file will be closed.

Charline Bourque  
Member, General Division – Employment Insurance Section