



Citation: *AK v Canada Employment Insurance Commission*, 2022 SST 1161

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

# **Decision**

**Appellant:** A. K.

**Respondent:** Canada Employment Insurance Commission  
**Representative:** Josée Lachance

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**Decision under appeal:** General Division decision dated September 26, 2022  
(GE-22-2002)

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**Tribunal member:** Shirley Netten

**Type of hearing:** On the Record

**Decision date:** November 7, 2022

**File number:** AD-22-792

## **Decision**

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

## **Background**

[2] The Canada Employment Insurance Commission decided not to pay A. K. (Claimant) employment insurance benefits because he stopped working due to misconduct. The Claimant appealed to the General Division. The General Division summarily dismissed the appeal.

[3] The Claimant now appeals to the Appeal Division.

## **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 did not properly apply the 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.

## **Conclusion**

[7] The appeal is allowed. The General Division made an error of law. The matter will return to the General Division to be heard by a different member.

Shirley Netten  
Member, Appeal Division