



Citation: *JB v Canada Employment Insurance Commission*, 2022 SST 1084

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

# **Decision**

**Appellant:** J. B.

**Respondent:** Canada Employment Insurance Commission  
**Representative:** Anick Dumoulin

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**Decision under appeal:** General Division decision dated May 17, 2022  
(GE-22-1019)

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**Tribunal member:** Shirley Netten

**Type of hearing:** On the Record

**Decision date:** October 25, 2022

**File number:** AD-22-678

## **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 J. B. (Claimant) employment insurance benefits because he lost his employment as a result of 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 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.

## **Conclusion**

[7] 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