



Citation: *AS v Canada Employment Insurance Commission*, 2022 SST 1159

Social Security Tribunal of Canada Appeal Division

Decision

Appellant: A. S.

Respondent: Canada Employment Insurance Commission
Representative: Rachel Paquette

Decision under appeal: General Division decision dated October 7, 2022
(GE-22-2041)

Tribunal member: Shirley Netten

Type of hearing: On the Record

Decision date: November 7, 2022

File number: AD-22-763

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. S. (Claimant) employment insurance benefits because he was suspended from employment 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