



Citation: *AB v Canada Employment Insurance Commission*, 2024 SST 323

Social Security Tribunal of Canada Appeal Division

Decision

Appellant: A. B.

Respondent: Canada Employment Insurance Commission
Representative: Daniel McRoberts

Decision under appeal: General Division decision dated March 7, 2024
(GE-24-355)

Tribunal member: Shirley Netten

Type of hearing: In writing

Decision date: March 28, 2024

File number: AD-24-206

Decision

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

Overview

[2] A. B. (the Claimant) appealed a decision about her employment insurance benefits to the Tribunal's General Division. Her hearing was scheduled for March 5, 2024. Although she confirmed her attendance a week prior to the hearing, she did not attend the hearing. The General Division proceeded in her absence, and issued a decision.

[3] On March 8, 2024, the Claimant contacted the General Division to say that she had been in labour at the time of the hearing and consequently could not call in.

The parties agree on the outcome of the appeal

[4] The parties agree that the General Division inadvertently denied the Claimant a fair process. They agree that the matter should go back to the General Division for a new hearing.

I accept the proposed outcome

[5] Due to circumstances beyond anyone's control, the Claimant did not have a fair opportunity to be heard. This is a ground of appeal under section 58(1)(a) of the *Department of Employment and Social Development Act*. The matter will return to the General Division.

Conclusion

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

Shirley Netten
Member, Appeal Division