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When the claimant entered the Tribunal room for the hearing of his case he found his former employer, who was a witness, in conversation with the Chairman

*Held* that, in order that justice may be manifestly seen to be done, it is desirable that, where a claimant is attending the hearing, witnesses or other persons whose attendance is permissible should not be admitted to the presence of the Tribunal before the claimant is admitted.

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1. My decision is that the claimant is disqualified for receiving unemployment benefit for six weeks from and including the 19th June, 1952.

2. In his grounds of appeal to the Commissioner the claimant made the following statement:—

“ At the Local Tribunal hearing of my case, it was delayed, because the

employer failed to turn up on time, although it was due to be heard at 3.15 p.m., Mr. H. strolled in at 3.40 p.m. and was already in conversation with the Board when I entered the room. Very irregular, I thought. My case, I feel, had been decided even before I entered the Boardroom, and it proved all too one-sided affair."

3. On inquiry being made into this complaint the clerk to the Local Tribunal stated that Mr. H. was admitted to the boardroom only a matter of seconds before the claimant. As the clerk then left the room to summon the claimant he was unable to say what if anything passed between Mr. H. and the Local Tribunal before the claimant was admitted. In response to an inquiry made at my request the Chairman has stated that he cannot at this stage recollect whether anything passed between him and Mr. H. during the very brief interval which elapsed before the claimant entered the room, but that if any remarks were made, they would have been in the form of a greeting and possibly an inquiry as to Mr. H.'s status with the employers. He added that he would not in such circumstances raise or countenance in other members any discussion on the case in the absence of the appellant.

4. Mr. H.'s admission to the Tribunal's presence before the claimant was admitted was not a breach of any of the express provisions of the Act or regulations. Apart from these express requirements the Act and regulations clearly impose by implication upon local Insurance Officers, Local Tribunals, and the Commissioner, a duty to act impartially and judicially or, as it is sometimes expressed, "in accordance with natural justice" and any breach of this implied duty would render the proceedings irregular. Mr. H.'s admission to the Tribunal's presence was not, however, in my opinion a breach of this duty for it only preceded that of the claimant by a few moments during which nothing passed except possibly a greeting and an enquiry by the Chairman and answer by Mr. H. as to the latter's status with the employers. The episode thus affords no ground upon which the proceedings of the Local Tribunal could be set aside as irregular. The episode does however show that in order that "justice may be manifestly seen to be done" it is desirable that, where a claimant is attending the hearing, witnesses or other persons whose attendance is permissible should not be admitted to the presence of the Tribunal before the claimant is admitted.

*Note: The Commissioner has directed that the remaining paragraphs of the decision should not be printed as they deal only with the facts of the case and have no general application*