

Employment and Assistance Appeal Tribunal  
Guideline for Members

**Adjournments to Consider New Evidence**

December 2008

If additional supporting evidence is introduced at an appeal that has not previously been seen by the other party, fairness will require that the other party have an opportunity to review the new evidence and have an opportunity to respond to it.

It may be necessary to grant the other party a brief (10-15 minutes) recess to review the evidence. If the evidence is significant and the other party requires time to review and/or prepare a submission to respond to it, a slightly longer recess (perhaps up to an hour) may be necessary. In rare circumstances, where the evidence is very complex, the hearing may need to be adjourned to another day to allow the other party a fair opportunity to assess the evidence and respond to it.

The expectation is that each party should be prepared to respond to any legal argument raised by the other party that relates to the evidence in the appeal record; however, the panel will need to evaluate the circumstances of each case. When making a determination, fairness should always be applied. Where an appellant could not reasonably be expected to respond to a new legal argument raised by the ministry representative, an adjournment request would generally be appropriate.

It is the panel's responsibility to determine whether to grant an adjournment when the request for an adjournment is received at the hearing. The panel chair will inform the appeal coordinator of the adjournment and the Tribunal will reschedule another hearing as soon as possible.