

Federal Court of Appeal



Cour d'appel fédérale

Date: 20171115

Docket: A-43-17

Citation: 2017 FCA 223

**CORAM: NADON J.A.
NEAR J.A.
LASKIN J.A.**

BETWEEN:

PETER BRIAN STOYEK

Appellant

and

ATTORNEY GENERAL OF CANADA

Respondent

Heard at Ottawa, Ontario, on November 15, 2017.
Judgment delivered from the Bench at Ottawa, Ontario, on November 15, 2017.

REASONS FOR JUDGMENT OF THE COURT BY:

NADON J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Ottawa, Ontario, on November 15, 2017).

NADON J.A.

[1] Regretfully for the appellant, we have not been persuaded, notwithstanding Mr. Ghignone's forceful arguments, that the Federal Court (2017 FC 47) erred in refusing to interfere with the decision of the Veterans Review and Appeal Board, constituted as the Entitlement Reconsideration Panel.

[2] More particularly, it is our view that the Reconsideration Panel made no error in its determination that there was no basis to interfere with the first panel's (the Appeal Panel) decision that the appellant was entitled to receive an exceptional incapacity allowance under section 72 of the *Pension Act*, R.S.C. 1985, c. P-6 as of March 1, 2011 rather than February 17, 2009.

[3] On the evidence before the Reconsideration Panel, it cannot be said, in our respectful view, that its conclusion is unreasonable or that it is the result of an error of law.

[4] For these reasons, the appeal will be dismissed.

"M Nadon"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-43-17

(APPEAL FROM A JUDGMENT OF THE HONOURABLE MR. JUSTICE ANNIS OF THE FEDERAL COURT OF CANADA DATED JANUARY 13, 2017 DOCKET NO. T-807-16)

STYLE OF CAUSE: PETER BRIAN STOYEK v.
ATTORNEY GENERAL OF
CANADA

PLACE OF HEARING: Ottawa, Ontario

DATE OF HEARING: NOVEMBER 15, 2017

REASONS FOR JUDGMENT OF THE COURT BY: NADON J.A.
NEAR J.A.
LASKIN J.A.

DELIVERED FROM THE BENCH BY: NADON J.A.

APPEARANCES:

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FOR THE APPELLANT

Patrick Bendin

FOR THE RESPONDENT

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