

Date: 20080429

Docket: A-477-07

Citation: 2008 FCA 161

**CORAM: NOËL J.A.
NADON J.A.
PELLETIER J.A.**

BETWEEN:

PIERRE GIRARD

Appellant

and

ATTORNEY GENERAL OF CANADA

Respondent

Hearing held at Ottawa, Ontario, on April 29, 2008.

Judgment delivered from the bench at Ottawa, Ontario, on April 29, 2008.

REASONS FOR JUDGMENT OF THE COURT BY:

NADON J.A.

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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the bench at Ottawa, Ontario, on April 29, 2008.)

NADON J.A.

[1] We are not satisfied that the Court should intervene in this case.

[2] In our view, Justice Frenette did not err in concluding that the reasons of the decision-maker, Clovis Dorval, met the requirements of the Directive on Recourse for Staffing. Moreover, we are of the view that, given the evidence on record, Mr. Dorval's reasons are not inadequate, as the appellant claims.

[3] In our opinion, the decision-maker did not have to specifically mention that it was not capricious for the evaluator, Mr. Lamy, to select only one of the persons named in the appellant's portfolio, namely Mr. Doucet, to validate the *Teamwork and Cooperation* competency and conclude that, because of Mr. Doucet's refusal to validate this competency, the appellant had not shown that he met this necessary condition for the desired position.

[4] For this reason, there can be no doubt as to the basis for Mr. Dorval's conclusion that the process was not capricious.

[5] For these reasons, the appeal will be dismissed with costs.

“M. Nadon”

J.A.

Certified true translation
Michael Palles

FEDERAL COURT OF APPEAL

SOLICITORS OF RECORD

DOCKET: A-477-07

(APPEAL FROM A JUDGMENT OF THE FEDERAL COURT DATED SEPTEMBER 26, 2007, DOCKET NO. T-1485-06)

STYLE OF CAUSE: PIERRE GIRARD v. A.G.C.

PLACE OF HEARING: Ottawa, Ontario

DATE OF HEARING: April 29, 2008

REASONS FOR JUDGMENT OF THE COURT BY: (Noël, Nadon and Pelletier JJ.A.)

DELIVERED FROM THE BENCH BY: Nadon J.A.

APPEARANCES:

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FOR THE RESPONDENT

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