

Date: 20080618

Docket: A-402-07

Citation: 2008 FCA 216

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

BETWEEN:

EMILIA MARRONE

Applicant

and

THE ATTORNEY GENERAL OF CANADA

Respondent

Heard at Toronto, Ontario, on June 18, 2008.

Judgment delivered from the Bench at Toronto, Ontario, on June 18, 2008.

REASONS FOR JUDGMENT OF THE COURT BY:

RYER J.A.

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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Toronto, Ontario, on June 18, 2008)

RYER J.A.

[1] We are of the view that the reasons provided by the majority of the Pension Appeals Board (the “Board”) for their decision to dismiss Ms. Marrone’s appeal are insufficient to enable us to understand the basis for that decision.

[2] In their reasons, the majority of the Board recites some of the evidence that was presented and states:

15 The Board has reviewed the testimony and evidence provided by the parties. The Board has some concerns about the quality and quantity of paper and reports that were submitted for the members’ consideration.

16. The Board finds that the Appellant has failed to substantiate her claim for a pension under the governing statute. The appeal is dismissed.

[3] These paragraphs do not contain any meaningful analysis of the applicable law or of the evidence. As such, the majority of the Board has not met the requirement contained in subsection 83(11) of the *Canada Pension Plan*, R.S.C. 1985, c. C-8, that the parties to the appeal are to be provided with written notification of the decision of the Board and with reasons that provide an explanation for the decision.

[4] Accordingly, this application for judicial review is allowed, the decision of the Board is set aside and the matter is referred back to a differently constituted panel of the Board for redetermination. Because the adequacy of the reasons of the Board was not raised by the Applicant, no costs will be awarded.

“C. Michael Ryer”

Judge

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-402-07

(APPLICATION FOR JUDICIAL REVIEW IN RESPECT OF A DECISION OF THE CANADA PENSION APPEAL BOARD MADE ON MAY 4TH 2006, PAB FILE NO. CP23129).

STYLE OF CAUSE: *EMILIA MARRONE v. THE ATTORNEY GENERAL OF CANADA*

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JUNE 18, 2008

REASONS FOR JUDGMENT OF THE COURT BY: (NADON, PELLETIER, RYER J.J.A.)

DELIVERED FROM THE BENCH BY: RYER J.A.

APPEARANCES:

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James Gray FOR THE RESPONDENT

SOLICITORS OF RECORD:

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FOR THE RESPONDENT