

Cour d'appel  
fédérale



CANADA

Federal Court  
of Appeal

**Date: 20090608**

**Docket: A-296-08**

**Citation: 2009 FCA 195**

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

**BETWEEN:**

**ATTORNEY GENERAL OF CANADA**

**Applicant**

**and**

**RENALD LANTEIGNE**

**Respondent**

Hearing held at Fredericton, New Brunswick, on June 8, 2009.

Judgment delivered from the Bench at Fredericton, New Brunswick, on June 8, 2009.

**REASONS FOR JUDGMENT OF THE COURT BY:**

**BLAIS J.A.**

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**REASONS FOR JUDGMENT OF THE COURT**

**(Delivered from the Bench at Fredericton, New Brunswick, on June 8, 2009)**

**BLAIS J.A.**

[1] This is an application for judicial review of a decision of Umpire Goulard dated May 2, 2008, setting aside a decision of the Board of Referees dated July 6, 2007.

[2] The Board of Referees' decision upheld the Commission's decision. The respondent allegedly voluntarily left his employment in Grand-Barachois on October 21, 2006, to go to his home in Bas-Caraquet to close the house down for the winter. He ultimately did not return to work

during the remaining eight weeks until mid-December 2006, and the Commission found that he had not shown just cause for leaving his employment.

[3] The Board of Referees was of the opinion that the respondent had not exhausted all means possible to keep his employment in accordance with the *Employment Insurance Act* (Act).

[4] However, the Umpire set aside the Board of Referees' decision on the basis that the respondent had established just cause for leaving his employment, within the meaning of section 29 of the Act. After hearing the respondent's testimony, the Umpire was of the view that, under the circumstances, he had had no reasonable alternative to leaving.

[5] We disagree.

[6] As the applicant pointed out, the Umpire failed to consider key elements of the case: the respondent had made no arrangements to secure transportation back to work, left his job without notice and did not even bother to advise his employer of his alleged inability to find return transportation.

[7] This Court has consistently held that those who leave and consequently lose their employment cannot force others to bear the burden of their unemployment (see *Canada (Attorney General) v. Borden*, [2004] F.C.J. No. 781).

[8] The Umpire clearly erred in finding that the respondent had shown just cause for leaving pursuant to section 29 of the Act.

[9] For these reasons, the application for judicial review will be allowed without costs, and the matter will be referred back to the Chief Umpire or to his designate for redetermination on the basis that the respondent did not have just cause for leaving his employment.

“Pierre Blais”

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J.A.

Certified true translation  
Tu-Quynh Trinh

**FEDERAL COURT OF APPEAL**

**SOLICITORS OF RECORD**

**DOCKET:** A-296-08

**STYLE OF CAUSE:** ATTORNEY GENERAL OF  
CANADA v. RENALD LANTEIGNE

**PLACE OF HEARING:** Fredericton, New Brunswick

**DATE OF HEARING:** June 8, 2009

**REASONS FOR JUDGMENT OF THE COURT BY:** NADON J.A.  
BLAIS J.A.  
PELLETIER J.A.

**DELIVERED FROM THE BENCH BY:** BLAIS J.A.

**APPEARANCES:**

Mélanie Marquis

FOR THE APPLICANT

**SOLICITORS OF RECORD:**

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FOR THE RESPONDENT