

Date: 20100111

**Docket: A-73-09
A-72-09
A-74-09**

Citation: 2010 FCA 5

**CORAM: BLAIS C.J.
SHARLOW J.A.
PELLETIER J.A.**

A-73-09

BETWEEN:

RONALD PALMER

Applicant

and

THE ATTORNEY GENERAL OF CANADA

Respondent

A-72-09

BETWEEN:

WESLEY KREIDER

Applicant

and

THE ATTORNEY GENERAL OF CANADA

Respondent

A-74-09

BETWEEN:

ROBERT KING

Applicant

and

THE ATTORNEY GENERAL OF CANADA

Respondent

Heard at Calgary, Alberta, on January 11, 2010.

Judgment delivered from the Bench at Calgary, Alberta, on January 11, 2010.

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

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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Calgary, Alberta, on January 11, 2010)

PELLETIER J.A.

[1] We are all of the opinion that the Umpire breached the duty of fairness owed to the applicants when he effectively set aside the Board of Referees' decisions when he referred the matter back to the Board of Referees for redetermination without giving the applicants the opportunity to be heard.

[2] The application for judicial review should be allowed with costs. The decision of the Umpire should be set aside and the matter should be remitted to the Chief Umpire or his delegate for redetermination in accordance with the requirements of natural justice.

“J.D. Denis Pelletier”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKETS:

A-73-09

RONALD PALMER v. THE ATTORNEY
GENERAL OF CANADA

A-72-09

WESLEY KREIDER v. THE ATTORNEY
GENERAL OF CANADA

A-74-09

ROBERT KING v. THE ATTORNEY
GENERAL OF CANADA

PLACE OF HEARING:

Calgary, Alberta

DATE OF HEARING:

January 11, 2010

REASONS FOR JUDGMENT OF THE COURT BY:

BLAIS C.J., SHARLOW,
PELLETIER J.J.A.

DELIVERED FROM THE BENCH BY:

PELLETIER J.A.

APPEARANCES:

E. Wayne Benedict

FOR THE APPLICANTS

Margaret McCabe

FOR THE RESPONDENT

SOLICITORS OF RECORD:

McGown Johnson
Calgary, Alberta

FOR THE APPLICANTS

John H. Sims, Q.C.
Deputy Attorney General of Canada

FOR THE RESPONDENT