

Federal Court  
of Appeal



Cour d'appel  
fédérale

**Date: 20100923**

**Docket: A-509-09**

**Citation: 2010 FCA 241**

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

**BETWEEN:**

**ATTORNEY GENERAL OF CANADA**

**Applicant**

**and**

**HENRI-LOUIS GAGNON**

**Respondent**

Hearing held at Québec, Quebec, on September 23, 2010.

Judgment delivered from the Bench at Québec, Quebec, on September 23, 2010.

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

**TRUDEL J.A.**

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**REASONS FOR JUDGMENT OF THE COURT**

**(Delivered from the Bench at Québec, Quebec, on September 23, 2010)**

**TRUDEL J.A.**

[1] The Umpire was apparently misled by the Commission's assertion that it had limited its calculation of the hours to November 3, 2007. He interpreted that to mean that the Commission had not included the hours worked prior to that date, but it had indeed done so. With respect, the Umpire was wrong to intervene.

[2] Accordingly, the application will be allowed without costs, the Umpire's decision set aside and the matter referred back to the Chief Umpire or his designate for redetermination on the basis that the Commission's appeal must be allowed on the ground that the claimant had not accumulated the hours required to be entitled to benefits.

“Johanne Trudel”

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J.A.

Certified true translation  
Tu-Quynh Trinh

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-509-09

**STYLE OF CAUSE:** ATTORNEY GENERAL OF  
CANADA  
v. HENRI-LOUIS GAGNON

**PLACE OF HEARING:** Québec, Quebec

**DATE OF HEARING:** September 23, 2010

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

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

**APPEARANCES:**

Antoine Lippé FOR THE APPLICANT

Henri-Louis Gagnon FOR THE RESPONDENT  
(on his own behalf)

**SOLICITORS OF RECORD:**

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