

Federal Court
of Appeal



Cour d'appel
fédérale

Date: 20101014

Docket: A-64-10

Citation: 2010 FCA 270

**CORAM: NADON J.A.
TRUDEL J.A.
MAINVILLE J.A.**

BETWEEN:

THE ATTORNEY GENERAL OF CANADA

Applicant

and

GISÈLE BOUCHER DANCAUSE

Respondent

Hearing held at Montréal, Quebec, on October 14, 2010.

Judgment delivered from the Bench at Montréal, Quebec, on October 14, 2010.

REASONS FOR JUDGMENT OF THE COURT BY:

NADON J.A.

Federal Court
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BETWEEN:

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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Montréal, Quebec, on October 14, 2010)

NADON J.A.

[1] We are of the view that the amount of \$26,451 received by the respondent was paid to her because of the severance of her employment relationship.

[2] Furthermore, in light of the evidence, we are satisfied that there was a sufficient connection between the respondent's employment and the amount of \$26,451 and, consequently, that said amount constituted earnings within the meaning of section 35 of the *Employment Insurance Regulations*. The respondent has not persuaded us that the amount of \$26,451

represents anything other than earnings. In these circumstances, the Umpire should have intervened to correct the error of the Board of Referees.

[3] For these reasons, the application for judicial review will be allowed, the Umpire's decision (CUB 738291) will be set aside and the matter will be referred back to the Chief Umpire or his designate for redetermination on the basis that the amount of \$26,451 constitutes earnings within the meaning of section 35 of the *Employment Insurance Regulations* and must be allocated in accordance with subsection 36(9) of the Regulations. Without costs.

“M. Nadon”

J.A.

Certified true translation
Michael Palles

FEDERAL COURT OF APPEAL

SOLICITORS OF RECORD

DOCKET: A-64-10

STYLE OF CAUSE: A.G.C. v. GISÈLE BOUCHER
DANCAUSE

PLACE OF HEARING: Montréal, Quebec

DATE OF HEARING: October 14, 2010

REASONS FOR JUDGMENT OF THE COURT BY: NADON, TRUDEL and
MAINVILLE J.J.A.

DELIVERED FROM THE BENCH BY: NADON J.A.

APPEARANCES:

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FOR THE APPLICANT

Eugène Abarregui

FOR THE RESPONDENT

SOLICITORS OF RECORD:

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FOR THE RESPONDENT