

Federal Court
of Appeal



Cour d'appel
fédérale

Date: 20120109

Docket: A-230-11

Citation: 2012 FCA 2

**CORAM: EVANS J.A.
SHARLOW J.A.
STRATAS J.A.**

BETWEEN:

ATTORNEY GENERAL OF CANADA

Applicant

and

BRIAN CRAIG

Respondent

Heard at Toronto, Ontario, on January 9, 2012.

Judgment delivered at Toronto, Ontario, on January 9, 2012.

REASONS FOR JUDGMENT OF THE COURT BY:

EVANS J.A.

Federal Court
of Appeal



Cour d'appel
fédérale

Date: 20120109

Docket: A-230-11

Citation: 2012 FCA 2

**CORAM: EVANS J.A.
SHARLOW J.A.
STRATAS J.A.**

BETWEEN:

ATTORNEY GENERAL OF CANADA

Applicant

and

BRIAN CRAIG

Respondent

REASONS FOR JUDGMENT

(Delivered from the Bench at Toronto, Ontario, on January 9, 2012)

EVANS J.A.

[1] We are not persuaded that the Umpire committed an error of law warranting the intervention of the Court in his decision, dated April 5, 2011 (CUB 76850) to uphold the decision of the Board of Referees, dated April 22, 2010, that the benefit period commencement date of Brian Craig, was January 11, 2009.

[2] In our view, the record in this case discloses no basis in fact or law for the Commission's decision of June 2009 to antedate Mr Craig's benefit commencement date to December 21, 2008. Consequently, there is nothing to displace the benefit period commencement date of January 11, 2009, established by subsection 10(1) of the *Employment Insurance Act*, S.C. 1996, C-23 when Mr Craig made his initial claim for benefits on January 12, 2009.

[3] For these reasons, the application for judicial review will be dismissed.

"John M. Evans"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-230-11

(AN APPLICATION FOR JUDICIAL REVIEW OF A DECISION OF THE HONOURABLE MR. JUSTICE RUSSELL, AS UMPIRE, DATED APRIL 22, 2010, DOCKET NO. CUB 76850).

STYLE OF CAUSE: ATTORNEY GENERAL OF CANADA v BRIAN CRAIG

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: January 9, 2012

REASONS FOR JUDGMENT OF THE COURT BY: (EVANS, SHARLOW & STRATAS JJ.A.)

DELIVERED FROM THE BENCH BY: EVANS J.A.

APPEARANCES:

Derek Edwards FOR THE APPLICANT

Marion E. Overholt FOR THE RESPONDENT

SOLICITORS OF RECORD:

Myles J. Kirvan
Deputy Attorney General of Canada FOR THE APPLICANT

Marion E. Overholt
Legal Assistance of Windsor, Barrister and Solicitor
Windsor, Ontario FOR THE RESPONDENT