

Federal Court
of Appeal



Cour d'appel
fédérale

Date: 20120124

Docket: A-251-11

Citation: 2012 FCA 24

**CORAM: EVANS J.A.
SHARLOW J.A.
LAYDEN-STEVENSON J.A.**

BETWEEN:

ATTORNEY GENERAL OF CANADA

Applicant

and

FREDERICK USMANI

Respondent

Heard at Toronto, Ontario, on January 23, 2012.

Judgment delivered at Toronto, Ontario, on January 24, 2012.

REASONS FOR JUDGMENT OF THE COURT BY:

SHARLOW J.A.

CONCURRED IN BY:

EVANS J.A.
LAYDEN-STEVENSON J.A.

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REASONS FOR JUDGMENT

SHARLOW J.A.

[1] An Umpire has upheld a decision of the Board of Referees that Mr. Usmani's claim for benefits under the *Employment Insurance Act*, S.C. 1996, c. 23, should be antedated pursuant to subsection 10(4) because he demonstrated just cause for the delay in making his claim. The Crown seeks judicial review of the Umpire's decision. Given the unusual facts of this case, I cannot conclude the Umpire made any error of law or fact warranting the intervention of this Court. For that reason, I would dismiss this application.

[2] Mr. Usmani appeared at the hearing and was permitted to make oral submissions even though he did not file a notice of appearance, a record or a memorandum of fact and law. At the conclusion of his submissions he asked for costs, and also for an order requiring the Crown to pay him certain other amounts as compensation for damages that he says he and his family suffered because of the wrongful denial of his claim for benefits.

[3] In an application for judicial review of an Umpire's decision, this Court has no authority to order compensation for damages resulting from a denial of benefits. Mr. Usmani's request for compensation must be denied for want of jurisdiction.

[4] This Court may award costs in a proceeding in this Court on the basis of the tariff set out in the *Federal Courts Rules*, and generally does award costs to the successful party. However, as Mr. Usmani did not participate in this matter except for oral submissions on the day of the hearing, I would award him no costs.

“K. Sharlow”

J.A.

“I agree
John M. Evans J.A.”

“I agree
Carolyn Layden-Stevenson J.A.”

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-251-11

(AN APPLICATION FOR JUDICIAL REVIEW OF THE DECISION OF THE HONOURABLE MR. JUSTICE T.G. SENIUK, AS UMPIRE, DATED APRIL 29, 2011, DOCKET NO. CUB 76922).

STYLE OF CAUSE: ATTORNEY GENERAL OF
CANADA v. FREDERICK
USMANI

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: January 23, 2012

**REASONS FOR JUDGMENT
OF THE COURT BY:** SHARLOW J.A.

CONCURRED IN BY: EVANS J.A.
LAYDEN-STEVENSON J.A.

DATED: January 24, 2012

APPEARANCES:

Derek Edwards

FOR THE APPLICANT

Frederick Usmani

FOR THE RESPONDENT
(self-represented)

SOLICITORS OF RECORD:

Myles J. Kirvan
Deputy Attorney General of Canada

N/A

FOR THE APPLICANT

FOR THE RESPONDENT
(self-represented)