

Federal Court
of Appeal



Cour d'appel
fédérale

Date: 20120605

Docket: A-132-12

Citation: 2012 FCA 166

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

BETWEEN:

ATTORNEY GENERAL OF CANADA

Appellant

And

LINDA GIBSON

Respondent

Heard at Edmonton, Alberta, on June 05, 2012.

Judgment delivered from the Bench at Edmonton, Alberta, on June 05, 2012.

REASONS FOR JUDGMENT OF THE COURT BY:

EVANS J.A.

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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Edmonton, Alberta, on June 5, 2012)

EVANS J.A.

[1] This is an application for judicial review by the Attorney General of Canada to set aside a decision by an Umpire (CUB 78127) dismissing an appeal from a decision by a Board of Referees, dated December 30, 2010.

[2] In that decision, the Board allowed an appeal by Linda Gibson from a decision by the Canada Employment Insurance Commission that she was not entitled to receive employment insurance benefits for the week of July 15 to July 22, 2009 when she was outside Canada. During the week in question, Ms Gibson was in Phoenix, Arizona.

[3] Section 37(b) of the *Employment Insurance Act*, S.C. 1996, c, 23, provides that “except as may otherwise be prescribed”, a claimant is not entitled to receive benefits while outside Canada. Subsection 55(1) of the *Employment Insurance Regulations*, SOR/96-332, provides that claimants are not disqualified from receiving benefits if they are outside Canada for not more than specified periods “to attend a *bona fide* job interview” (« une entrevue d’emploi ») (paragraph (e)), or “to conduct a *bona fide* job search (« une recherche d’emploi ») (paragraph (f)).

[4] The Board found as a fact that Ms Gibson was absent from Canada in Phoenix in search for a pre-arranged employment opportunity, and held that she fell within section 55 of the Regulations.

[5] We are not persuaded on the basis of the materials before us that the Umpire made any reviewable error of fact or law in dismissing the appeal from the Board’s decision. Accordingly, the application for judicial review will be denied.

"John M. Evans"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-132-12

STYLE OF CAUSE: ATTORNEY GENERAL OF CANADA v.
LINDA GIBSON

PLACE OF HEARING: Edmonton, Alberta

DATE OF HEARING: June 5, 2012

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

DELIVERED FROM THE BENCH BY: EVANS J.A.

APPEARANCES:

Mary Softley	FOR THE APPELLANT
No Appearance	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Myles J. Kirvan Deputy Attorney General of Canada	FOR THE APPELLANT
N/A	FOR THE RESPONDENT (Self-Represented)