

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20150311**

**Docket: A-361-13**

**Citation: 2015 FCA 69**

**CORAM: NOËL C.J.  
GAUTHIER J.A.  
SCOTT J.A.**

**BETWEEN:**

**HIBO NUR**

**Appellant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

Heard at Ottawa, Ontario, on March 11, 2015.

Judgment delivered from the Bench at Ottawa, Ontario, on March 11, 2015.

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

**SCOTT J.A.**

Federal Court of Appeal



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BETWEEN:

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Respondent

**REASONS FOR JUDGMENT OF THE COURT**  
(Delivered from the Bench at Ottawa, Ontario, on March 11, 2015.)

**SCOTT J.A.**

[1] This is an appeal against a judgment of the Federal Court dated September 26, 2013, by which Justice Gagné (the Judge) dismissed an application for judicial review filed by the appellant with regard to a decision of the Public Service Commission of Canada (the Commission).

[2] The Commission ruled that the appellant had committed fraud by intentionally failing to provide her most recent Second Language Evaluation results, which she knew were unfavourable. In so doing, she vitiated the external appointment process that led to her appointment to an operational support clerk position at the CR-4 group and level with Public Works and Government Services Canada, and this is why the Commission revoked her appointment and imposed sanctions for a period of three years.

[3] The Judge selected the appropriate standards of review and applied them correctly to the issues raised by the appellant, specifically, the correctness standard to the procedural fairness issue and the reasonableness standard to the Commission's decision and the sanctions that it imposed.

[4] After carefully reviewing the arguments presented by the appellant before the Federal Court and before this Court, we can find no errors in the Federal Court Judge's decision not to intervene.

[5] The appellant submitted that the Commission had erred and had breached the rules of natural justice because the investigator had not met with a witness, Ms. Savard from Public Works. We agree with the Judge that this evidence was not crucial in this case and that the investigation allowed all the relevant information to be gathered thereby establishing that the appellant had intentionally withheld unfavourable test results that disqualified her, thus making her guilty of fraud in the appointment process.

[6] The Commission also applied sanctions under section 69 of the *Public Service Employment Act*, S.C. 2003, c. 22, ss. 12 and 13. In our opinion, the Judge did not err in concluding that these sanctions were reasonable in the circumstances.

[7] For these reasons, the appeal will be dismissed with costs.

“A.F. Scott”

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J.A.

Translation

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-361-13  
**STYLE OF CAUSE:** HIBO NUR v. ATTORNEY  
GENERAL OF CANADA

**PLACE OF HEARING:** OTTAWA, ONTARIO

**DATE OF HEARING:** MARCH 11, 2015

**REASONS FOR JUDGMENT OF THE COURT BY:** NOËL C.J.  
GAUTHIER J.A.  
SCOTT J.A.

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

**APPEARANCES:**

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