

Federal Court of Appeal



Cour d'appel fédérale

Date: 20151026

Docket: A-510-14

Citation: 2015 FCA 228

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

BETWEEN:

ANNE-RENÉE DUPUIS

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

Heard at Montréal, Quebec, on October 26, 2015.

Judgment delivered from the bench at Montréal, Quebec, on October 26, 2015.

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

TRUDEL J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the bench at Montréal, Quebec, on October 26, 2015.)

TRUDEL J.A.

[1] Despite Mr. Auclair's very able arguments, we are all of the opinion that this application for judicial review cannot succeed. We were not satisfied that the Appeal Division of the Social Security Tribunal of Canada erred in dismissing the appeal filed by the applicant against the Board of Referees' decision. The Board of Referees had concluded that, as a teacher, the

applicant was not entitled to employment insurance benefits during the summer non-teaching period.

[2] The facts established that there was no final severance of the employment relationship and that the applicant was not unemployed. On the contrary, a few days after the end of the school year, the applicant signed a contract of employment for the following school year, which came into effect retroactively on July 1, 2012. The applicant therefore did not meet the criteria set out in section 33 of the *Employment Insurance Regulations*, SOR/96-332.

[3] Moreover, a careful review of the record does not show that the Board of Referees failed in its duty of procedural fairness, contrary to the applicant's claim in her memorandum of fact and law.

[4] Consequently, the application for judicial review will be dismissed, but without costs, given the particular circumstances of this case.

“Johanne Trudel”

J.A.

Certified true translation
Erich Klein

FEDERAL COURT OF APPEAL

SOLICITORS OF RECORD

DOCKET: A-510-14

STYLE OF CAUSE: ANNE-RENÉE DUPUIS v.
ATTORNEY GENERAL OF
CANADA

PLACE OF HEARING: MONTRÉAL, QUEBEC

DATE OF HEARING: OCTOBER 26, 2015

REASONS FOR JUDGMENT OF THE COURT BY: NADON J.A.
TRUDEL J.A.
SCOTT J.A.

DELIVERED FROM THE BENCH BY: TRUDEL J.A.

APPEARANCES:

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