

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20161122**

**Docket: A-62-16**

**Citation: 2016 FCA 295**

[ENGLISH TRANSLATION]

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

**BETWEEN:**

**PHILIPPE ERNEST D'AOUST**

**Applicant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

Heard at Ottawa, Ontario, on November 22, 2016.

Judgment delivered at Ottawa, Ontario, on November 22, 2016.

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

**TRUDEL J.A.**

**Federal Court of Appeal**



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**REASONS FOR JUDGMENT**

**(Delivered from the Bench at Ottawa, Ontario, on November 22, 2016.)**

**TRUDEL J.A.**

[1] The applicant has not persuaded us that the Public Service Labour Relations and Employment Board's decision was unreasonable because, among other things, it was based on the assessment of evidence filed by witnesses who had allegedly perjured themselves.

[2] The adjudicator did not accept the allegations of the employer's bad faith or conspiracy against the applicant. After having weighed all the evidence, the adjudicator preferred the employer's evidence and found that the applicant's evidence had no merit in the light of the facts entered into evidence and accepted by him.

[3] We are of the opinion that, on the basis of the evidence in the record, the adjudicator correctly found that the applicant had lost his position, during his probationary period, for valid reasons related to his behaviour in the exercise of his employment within the public service.

[4] The adjudicator was therefore justified in declining to exercise jurisdiction and closing the applicant's case.

[5] Consequently, the application for judicial review is dismissed.

“Johanne Trudel”

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J.A.

Certified true translation  
Francois Brunet, Revisor

**FEDERAL COURT OF APPEAL**

**SOLICITORS OF RECORD**

**DOCKET:** A-62-16

**STYLE OF CAUSE:** PHILIPPE ERNEST D'AOUST v.  
ATTORNEY GENERAL OF  
CANADA

**PLACE OF HEARING:** OTTAWA, ONTARIO

**DATE OF HEARING:** NOVEMBER 22, 2016

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

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

**APPEARANCES:**

Philippe Ernest D'Aoust  
Self-Represented

FOR THE APPLICANT

Michel Girard

FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

William F. Pentney  
Deputy Attorney General of Canada  
Ottawa, Ontario

FOR THE RESPONDENT