

QUÉBEC, QUEBEC, THE 1st DAY OF MAY, 1997

CORAM: THE HONOURABLE MR. JUSTICE HUGESSEN
THE HONOURABLE MR. JUSTICE DÉCARY
THE HONOURABLE DEPUTY JUSTICE CHEVALIER

BETWEEN: MARIO DEMERS,

Plaintiff

- AND -

ATTORNEY GENERAL OF CANADA,

Defendant

J U D G M E N T

The application is allowed, the decision of the umpire is set aside and the matter is referred back for redetermination by an umpire to be designated by the chief umpire.

James K. Hugessen

J.A.

Certified true translation

Christiane Delon

CORAM: THE HONOURABLE MR. JUSTICE HUGESSEN
THE HONOURABLE MR. JUSTICE DÉCARY
THE HONOURABLE DEPUTY JUSTICE CHEVALIER

BETWEEN: MARIO DEMERS,

Plaintiff

- AND -

ATTORNEY GENERAL OF CANADA,

Defendant

Hearing held in Québec, Quebec, Thursday, May 1, 1997.

Judgment pronounced at the hearing, May 1, 1997.

REASONS FOR JUDGMENT OF THE COURT BY: HUGESSEN J.A.

CORAM: THE HONOURABLE MR. JUSTICE HUGESSEN
THE HONOURABLE MR. JUSTICE DÉCARY
THE HONOURABLE DEPUTY JUSTICE CHEVALIER

BETWEEN: MARIO DEMERS,

Plaintiff

- AND -

ATTORNEY GENERAL OF CANADA,

Defendant

REASONS FOR JUDGMENT OF THE COURT

(Pronounced at the hearing in Québec
Thursday, May 1, 1997.)

HUGESSEN J.A.

It is impossible for us to read the board of referees decision without concluding that it, rightly or wrongly, and for the reasons that it gave, excluded the statement given to the Commission by the claimant. That being the case, and although we accept the umpire's finding that the board of referees erred in law in confusing the notion of insurability of employment with the notion of state of unemployment, we do not think the umpire could then base his decision on the statement that had been considered inadmissible by the board.

The application will be allowed, the decision of the umpire will be set aside and the matter will be referred back for redetermination by an umpire to be designated by the chief umpire.

James K. Hugessen

J.A.

Certified true translation

Christiane Delon

Federal Court of Appeal

Court File No. A-312-96

BETWEEN:

MARIO DEMERS,

Plaintiff

- and -

ATTORNEY GENERAL OF CANADA,

Defendant

REASONS FOR JUDGMENT OF THE COURT

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

FILE NO. A-312-96

STYLE: MARIO DEMERS,

Plaintiff

- and -

ATTORNEY GENERAL OF CANADA.

Defendant

PLACE OF HEARING: Québec

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

Hugessen J.A.
Décary J.A.
Chevalier, D.J.A.

DATED: May 1, 1997

APPEARANCES:

Jérôme Carrier

FOR THE PLAINTIFF

Sylvie Martin

FOR THE DEFENDANT

SOLICITORS OF RECORD:

ROCHON, BELZILE, CARRIER,
AUGER ET ASS.
1085 Ave. de la Tour
Québec, Quebec
G1R 2W8

FOR THE PLAINTIFF

DEPARTMENT OF JUSTICE
Complexe Guy-Favreau
200 boul. René-Lévesque Ouest
Tour Est, 5e étage
Montréal, Quebec
H2Z 1X4

FOR THE DEFENDANT