

Date: 20030318

Docket: A-484-01

Neutral citation: 2003 FCA 143

**CORAM: STRAYER J.A.
NADON J.A.
EVANS J.A.**

BETWEEN:

COSIMO ZAFFINO

Applicant

- and -

MINISTER OF HUMAN RESOURCES DEVELOPMENT CANADA

Respondent

Heard at Toronto, Ontario, on Tuesday, March 18, 2003.

Judgment delivered from the Bench at Toronto, Ontario, on Tuesday, March 18, 2003.

REASONS FOR JUDGMENT OF THE COURT BY:

NADON J.A.

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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Toronto, Ontario
on Tuesday, March 18, 2003.)

NADON J.A.

[1] The Applicant has been unable to convince us that the Pension Plan Appeals Board made any error which would allow us to intervene.

[2] The Board, after a careful review of the evidence and in particular of the medical opinions, concluded that the Applicant had not established that he was disabled as of December 31, 1993, i.e. that his physical or mental disability was severe and prolonged as those words are defined in paragraph 42(2)(a) of the *Canada Pension Plan*, R.S.C. 1985, c. C-8.

[3] We see no reason to disturb this conclusion which, in our view, cannot in any way be characterized as unreasonable. Nor were we persuaded that the medical reports, which counsel says the Board failed to refer to or consider, were of a sufficient probative value as to render the Board's reasons inadequate in law.

[4] For these reasons, this judicial review application will be dismissed.

“Marc Nadon”

J.A.

FEDERAL COURT OF CANADA
APPEAL DIVISION
Names of Counsel and Solicitors of Record

DOCKET: A-484-01

STYLE OF CAUSE: COSIMO ZAFFINO
- and -
MINISTER OF HUMAN RESOURCES DEVELOPMENT
CANADA

DATE OF HEARING: TUESDAY, MARCH 18, 2003

PLACE OF HEARING: TORONTO, ONTARIO

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

DATED: TUESDAY, MARCH 18, 2003

DELIVERED FROM THE BENCH AT TORONTO, ONTARIO ON MARCH 18, 2003.

APPEARANCES BY: Mr. Tony Afecto
For the Applicant

Mr. Stephen D. Latte
For the Respondent

SOLICITORS OF RECORD: Tony Afecto
Mostyn & Mostyn
845 St. Clair Ave. West
4th Floor
Toronto, Ontario
M6C 1C3
For the Applicant

Morris Rosenberg
Deputy Attorney General of Canada
For the Respondent