

**Date: 20070919**

**Docket: A-576-06**

**Citation: 2007 FCA 292**

**CORAM: NOËL J.A.  
NADON J.A.  
PELLETIER J.A.**

**BETWEEN:**

**KIM GEORGE CORBETT**

**Applicant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

Heard at Winnipeg, Manitoba, on September 13, 2007.

Judgment delivered at Ottawa, Ontario, on September 19, 2007.

**REASONS FOR JUDGMENT BY:**

**NADON J.A.**

**CONCURRED IN BY:**

**NOËL J.A.  
PELLETIER J.A.**

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**REASONS FOR JUDGMENT**

**NADON J.A.**

[1] This is an application for judicial review of two decisions rendered by Umpire Guy Goulard (CUBs 63985 and 63985A) and one by Chief Umpire Designate Paul Rouleau (CUB 63985B).

[2] In his first decision dated July 8, 2005, Umpire Goulard concluded that the Board of Referees had made no error in determining that the applicant had lost his employment with Maple Leaf Meats Inc. by reason of his misconduct.

[3] In his second decision dated December 23, 2005, Umpire Goulard dealt with a request by the applicant for reconsideration of his earlier decision made pursuant to section 120 of the *Employment Insurance Act*, which reads as follows:

**120.** The Commission, a board of referees or the umpire may rescind or amend a decision given in any particular claim for benefit if new facts are presented or if it is satisfied that the decision was given without knowledge of, or was based on a mistake as to, some material fact.

**120.** La Commission, un conseil arbitral ou le juge-arbitre peut annuler ou modifier toute décision relative à une demande particulière de prestations si on lui présente des faits nouveaux ou si, selon sa conviction, la décision a été rendue avant que soit

[4] In dismissing the applicant's request, the Umpire concluded that there was no basis for him to reconsider because the applicant had not satisfied him that there were any "new facts". In the Umpire's view, the applicant's request for reconsideration was an attempt to reargue his case.

[5] Not satisfied with that decision, the applicant, by letter dated April 1, 2006, again sought reconsideration of Umpire Goulard's July 8, 2005 decision. On May 24, 2006, the Chief Umpire Designate dismissed his request, also on the basis that no "new facts" had been put forward to justify reconsideration. The decision of the Chief Umpire Designate is succinct and it reads as follows:

This matter was referred to me in my capacity as Chief Umpire Designate.

By letter dated April 1st, 2006, the claimant submits a second application for reconsideration of the Umpire's decision. The Umpire, who had heard the matter on the merits, dealt with and denied a reconsideration of his decision on the basis that the claimant had advanced no new facts as outlined in the jurisprudence (*Conita Chan*, (1994), 178 N.R. 372).

I have reviewed the submissions and I am satisfied there are no new facts allowing the Umpire to reconsider his decision. In his letter requesting a reconsideration of the Umpire's decision, the claimant refers to the Criminal Code and attempts to reargue his case. Such is not the purpose of section 120 of the Act.

The request for reconsideration is denied. No further reconsideration of this matter will be entertained. If the claimant wishes to pursue this matter further, his only recourse now available is to file an appeal with the Federal Court of Appeal.

[6] Although the applicant seeks judicial review of all three decisions, the only decision properly before us, in my view, is the one rendered by the Chief Umpire Designate, since the earlier decisions were not challenged within the 30-day delay prescribed by subsection 18.1(2) of the *Federal Courts Act*, nor was an extension of time sought in regard thereto.

[7] In any event, the applicant has failed to convince me that there is any basis upon which the July 8, 2005 decision ought to have been reconsidered. I therefore conclude that neither the Chief Umpire Designate nor Umpire Goulard made any error in refusing to reconsider that decision.

[8] Finally, with respect to Umpire Goulard's decision of July 8, 2005, the applicant has also failed to convince me that the Umpire made an error which would allow us to intervene.

[9] I would therefore dismiss the application for judicial review with costs.

“M. Nadon”

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J.A.

“I agree.  
Marc Noël J.A.”

I agree.  
J.D. Denis Pelletier J.A.”

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-576-06

**STYLE OF CAUSE:** KIM GEORGE CORBETT v.  
A.G.C.

**PLACE OF HEARING:** Winnipeg, Manitoba

**DATE OF HEARING:** September 13, 2007

**REASONS FOR JUDGMENT BY:** NADON J.A.

**CONCURRED IN BY:** NOËL J.A.  
PELLETIER J.A.

**DATED:** September 19, 2007

**APPEARANCES:**

Kim George Corbett

THE APPELLANT ON HIS OWN  
BEHALF

Mark Heseltine

FOR THE RESPONDENT

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FOR THE RESPONDENT