

Federal Court of
Appeal



Cour d'appel
fédérale

Date: 20110221

Docket: A-212-10

Citation: 2011 FCA 66

**CORAM: NOËL J.A.
TRUDEL J.A.
MAINVILLE J.A.**

BETWEEN:

KEVIN LAPOINTE

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

Hearing held at Montréal, Quebec, on February 21, 2011.

Judgment delivered from the Bench at Montréal, Quebec, on February 21, 2011.

REASONS FOR JUDGMENT OF THE COURT BY:

MAINVILLE J.A.

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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Montréal, Quebec, on February 21, 2011)

MAINVILLE J.A.

[1] The applicant is seeking judicial review of a decision by Umpire Marin numbered CUB 74304 which dismissed the applicant's appeal of a decision of a board of referees constituted pursuant to the *Employment Insurance Act*, S.C. 1996, c. 23. This board of referees upheld a decision by the Employment Insurance Commission according to which the applicant had not accumulated a sufficient number of hours of insurable employment in the applicable qualifying period for receiving benefits.

[2] Counsel for the applicant has not satisfied us that there are any grounds to intervene on the issues he raised.

[3] Moreover, the board of referees, in a second decision, invited the applicant to file an appeal regarding the [TRANSLATION] “antedating”. This issue was not raised in the subsequent appeal before the Umpire or before this Court and therefore cannot be reviewed.

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

“Robert M. Mainville”

J.A.

Certified true translation
Michael Palles

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-212-10

STYLE OF CAUSE: KEVIN LAPOINTE v.
ATTORNEY GENERAL OF
CANADA

PLACE OF HEARING: Montréal, Quebec

DATE OF HEARING: February 21, 2011

REASONS FOR JUDGMENT OF THE COURT BY: NOËL J.A.
TRUDEL J.A.
MAINVILLE J.A.

DELIVERED FROM THE BENCH BY: MAINVILLE J.A.

APPEARANCES:

Jean-Yves Therrien FOR THE APPLICANT

Pauline Leroux FOR THE RESPONDENT

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Deputy Attorney General of Canada