

Federal Court  
of Appeal



Cour d'appel  
fédérale

**Date: 20110620**

**Docket: A-269-10**

**Citation: 2011 FCA 210**

**CORAM: PELLETIER J.A.  
DAWSON J.A.  
MAINVILLE J.A.**

**BETWEEN:**

**DON IRVINE**

**Applicant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

Heard at Saskatoon, Saskatchewan, on June 20, 2011.

Judgment delivered from the Bench at Saskatoon, Saskatchewan, on June 20, 2011.

REASONS FOR JUDGMENT OF THE COURT BY:

PELLETIER J.A.

Federal Court  
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**REASONS FOR JUDGMENT OF THE COURT**

**(Delivered from the Bench at Saskatoon, Saskatchewan, on June 20, 2011)**

**PELLETIER J.A.**

[1] We are all of the view that Mr. Irvine's application for judicial review of Umpire Marin's decision dismissing his application for reconsideration under section 120 of the *Employment Insurance Act*, S.C. 1996, c. 23, must be dismissed.

[2] The ground advanced for the application for reconsideration was that the Umpire erred in failing to give effect to a material fact when he ignored the handwritten alterations to the Proposal in

Bankruptcy which was incorporated into an order of the Court of Queen's Bench in Bankruptcy and Insolvency on the basis that the alterations were not authenticated.

[3] In our view, none of the handwritten alterations was, in any way, material to Mr. Irvine's claim. The Umpire recognized this and, as a result, he dismissed the application for reconsideration. We find no error in his having done so.

[4] As a result, the application for judicial review will be dismissed, but without costs.

"J.D. Denis Pelletier"

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-269-10

**APPLICATION FOR JUDICIAL REVIEW FROM A DECISION OF THE HONOURABLE  
R.J. MARIN, UMPIRE, DATED NOVEMBER 25, 2009**

**STYLE OF CAUSE:** DON IRVINE and ATTORNEY  
GENERAL OF CANADA

**PLACE OF HEARING:** Saskatoon, Saskatchewan

**DATE OF HEARING:** June 20, 2011

**REASONS FOR JUDGMENT OF THE COURT BY:** PELLETIER, DAWSON,  
MAINVILLE, J.J.A.

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

**APPEARANCES:**

Ronald Cherkewich FOR THE APPLICANT

Benoit Laframboise FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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