

Federal Court  
of Appeal



Cour d'appel  
fédérale

**Date: 20120529**

**Docket: A-145-11**

**Citation: 2012 FCA 157**

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

**BETWEEN:**

**TEMBEC INDUSTRIES INC.**

**Applicant**

**and**

**WILLIAM SOKOLOSKI,  
CANADA EMPLOYMENT INSURANCE COMMISSION,  
OFFICE OF THE UMPIRE EMPLOYMENT INSURANCE ACT  
AND THE ATTORNEY GENERAL OF CANADA**

**Respondents**

Heard at Winnipeg, Manitoba, on March 14, 2012.

Judgment delivered at Ottawa, Ontario, on May 29, 2012.

**REASONS FOR JUDGMENT BY:**

**DAWSON J.A.**

**CONCURRED IN BY:  
DISSENTING REASONS BY:**

**PELLETIER J.A.  
STRATAS J.A.**

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**Respondents**

**REASONS FOR JUDGMENT**

**DAWSON J.A.**

[1] This is an application for judicial review of a decision of an Umpire (CUB 74658A) rendered under the *Employment Insurance Act*, S.C. 1996, c. 23 (Act). In the decision under review, the Umpire reconsidered and rescinded his earlier decision in CUB 74658, where he had upheld a decision of the Board of Referees which found that Mr. Sokoloski was not entitled to benefits during the period of an alleged labour dispute.

[2] On this application for judicial review Tembec Industries Inc., Mr. Sokoloski's employer at the time, argues that the Umpire's decision should be set aside because Tembec neither received notice of Mr. Sokoloski's appeal to the Umpire nor notice of his request for reconsideration.

[3] This matter is substantially similar to the application for judicial review filed in A-101-11 involving Tembec and five of its former employees. That application for judicial review was allowed for the reasons given in 2012 FCA 156.

[4] For the same reasons, I would allow this application for judicial review, with costs (to be calculated in accordance with Rule 407) payable to Tembec by Mr. Sokoloski.

“Eleanor R. Dawson”

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J.A.

“I agree.

J.D. Denis Pelletier J.A.”

**STRATAS J.A. (Dissenting reasons)**

[5] For substantially the same reasons I gave in *Tembec Industries Inc. v. Berthelette et al* (A-101-11), I would dismiss the application for judicial review, with costs.

“David Stratas”

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-145-11

**STYLE OF CAUSE:** Tembec Industries Inc. v.  
William Sokoloski et al.

**PLACE OF HEARING:** Winnipeg, Manitoba

**DATE OF HEARING:** March 14, 2012

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

**CONCURRED IN BY:** Pelletier J.A.  
**DISSENTING REASONS BY:** Stratas J.A.

**DATED:** May 29, 2012

**APPEARANCES:**

David A. Simpson

FOR THE APPLICANT

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ATTORNEY GENERAL OF  
CANADA

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WILLIAM SOKOLOSKI et al.

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FOR THE RESPONDENT /  
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LEONARD BERTHELETTE et al.