

Federal Court of Appeal



Cour d'appel fédérale

Date: 20130110

Docket: A-369-12

Citation: 2013 FCA 4

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

BETWEEN:

MIRJANA LAKIC

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

Heard at Ottawa, Ontario, on January 8, 2013.

Judgment delivered at Ottawa, Ontario, on January 10, 2013.

REASONS FOR JUDGMENT BY:

PELLETIER J.A.

CONCURRED IN BY:

STRATAS J.A.
MAINVILLE J.A.

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REASONS FOR JUDGMENT

PELLETIER J.A.

[1] Ms Lakic brings this application for judicial review of the decision of an umpire dismissing her appeal from the decision of the Board of Referees.

[2] The dispute between Ms Lakic and the Employment Insurance Commission (the Commission) concerns the latter's decision not to include, in the calculation of the amount and duration of her insurance benefits, the hours she worked for Stitch-It Canada because she left that

job voluntarily and, in the Commission's view, without just cause. After leaving that job, Ms. Lacic found other employment where she accumulated sufficient hours to qualify for insurance benefits when that employment came to an end.

[3] When Ms Lacic was first contacted by a representative of the Commission, she indicated that she quit her job with Stitch-It Canada to take a training course. The Commission advised her that since it had not approved the course, she did not have just cause for leaving her employment with Stitch-It Canada and as a result, the hours she had worked there would not be taken into account when calculating the amount of her benefits and the length of her benefit period.

[4] Ms. Lacic appealed to the Board of Referees. She testified that she left her Stitch-It Canada because the job was unstable. Her hours of work were unpredictable and irregular. She also testified that she became aware of financial irregularities when cashing up at the end of the day. This convinced her that she should not remain in this job.

[5] The Board of Referees held, in keeping with a long line of decisions of this Court, that quitting employment to pursue a course of studies was not just cause within the meaning of sections 29 and 30 of the *Employment Insurance Act*, S.C. 1996 c. 23. The Board of Referees went on to find, in light of the additional grounds for leaving her job advanced by Ms. Lacic at the hearing, that because Ms. Lacic did not look for other employment before quitting her job, she had a reasonable alternative to quitting when she did. In other words, the Board of Referees was of the view that, if Ms. Lacic quit her job for the reasons she advanced before them, she should have kept her job until she had found another job.

[6] Ms. Lakic was dissatisfied with the Board of Referees decision and appealed it to the Umpire. Before the Umpire, Ms. Lakic disputed the Board of Referees' findings of fact. She also attempted to introduce evidence of wrongdoing by various persons, but the Umpire was not prepared to hear this evidence. Mr. Lakic also argued that the Umpire had decided the case before hearing it.

[7] After reviewing the submissions made to him, the Umpire held that the Board of Referees' findings of fact were reasonable and that its decision was on the merits was reasonable. He dismissed Ms. Lakic's appeal.

[8] Before us, Ms Lakic explained at length many of the unhappy events which have befallen her but unfortunately, they did not provide us with any legal basis upon which we might interfere with the decision of the Umpire. Like him, we believe that the Board of Referees' findings of fact are supported by the evidence. Its decision is consistent with the *Act* and the jurisprudence of this Court. As a result, there is no basis upon which we can intervene. The application for judicial review will be dismissed. As costs are not sought, none are awarded.

“J.D. Denis Pelletier”

J.A.

“I agree
Stratas J.A.”

“I agree
Robert M. Mainville”

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-369-12

STYLE OF CAUSE: Mirjana Lakic v.
Attorney General of Canada

PLACE OF HEARING: Ottawa, Ontario

DATE OF HEARING: January 8, 2013

REASONS FOR JUDGMENT BY: PELLETIER J.A.

CONCURRED IN BY: STRATAS & MAINVILLE J.J.A.

DATED: January 10, 2013

APPEARANCES:

Mirjana Lakic SELF REPRESENTED

Orlagh O'Kelly Korinda McLaine FOR THE RESPONDENT

SOLICITORS OF RECORD:

Mirjana Lakic SELF-REPRESENTED

William F. Pentney
Deputy Attorney General of Canada FOR THE RESPONDENT