

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20191121**

**Docket: A-238-18**

**Citation: 2019 FCA 288**

**CORAM: PELLETIER J.A.  
GAUTHIER J.A.  
WOODS J.A.**

**BETWEEN:**

**S. W.**

**Applicant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

Heard at Vancouver, British Columbia, on November 19, 2019.

Judgment delivered at Vancouver, British Columbia, on November 21, 2019.

**REASONS FOR JUDGMENT BY:**

**WOODS J.A.**

**CONCURRED IN BY:**

**PELLETIER J.A.  
GAUTHIER J.A.**

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**ATTORNEY GENERAL OF CANADA**

**Respondent**

**REASONS FOR JUDGMENT**

**WOODS J.A.**

[1] This application concerns employment insurance benefits that the applicant sought after losing her employment in October, 2014.

[2] The applicant seeks judicial review of a decision of the Appeal Division of the Social Security Tribunal dated June 14, 2018, which dismissed her appeal from a decision of the

General Division. The General Division had concluded that the applicant did not qualify for employment insurance benefits because she had lost her employment due to misconduct.

[3] The applicant submits that the Appeal Division made several errors, including failing to take into account errors made by the General Division. The alleged errors include that the Appeal Division and/or the General Division showed bias, erred in admitting certain evidence, failed to consider all the evidence, erred in concluding that the respondent had discharged its onus of proof, based the decision on serious errors of fact, and failed to consider mitigating circumstances.

[4] This Court is only entitled to intervene if the Appeal Division's decision falls below the standard defined by the Supreme Court's jurisprudence on the standard of review. I have not been persuaded that the Appeal Division fell below that standard.

[5] In addition to the issues above, the applicant raised two procedural matters at the hearing. First, the applicant requests that the judicial review application be converted to an action. I would not grant this request at this late stage of the proceedings. Second, the applicant requests that her initials be used in the style of cause because of privacy concerns. In light of the circumstances of this case, I would grant the privacy request.

[6] In the result, I would dismiss the application for judicial review without costs.

"Judith Woods"

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J.A.

"I agree

J.D. Denis Pelletier J.A."

"I agree

Johanne Gauthier J.A."

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-238-18

**STYLE OF CAUSE:** S. W. v. ATTORNEY GENERAL  
OF CANADA

**PLACE OF HEARING:** VANCOUVER, BRITISH  
COLUMBIA

**DATE OF HEARING:** NOVEMBER 19, 2019

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

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

**DATED:** NOVEMBER 21, 2019

**APPEARANCES:**

S. W. (Self-represented) FOR THE APPLICANT

Sandra Doucette FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Nathalie G. Drouin FOR THE RESPONDENT  
Deputy Attorney General of Canada