

Date: 20090325

Docket: A-222-08

Citation: 2009 FCA 98

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

BETWEEN:

RICHARD JAMES POLLITT

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

Heard at Toronto, Ontario, on March 25, 2009.

Judgment delivered at Toronto, Ontario, on March 25, 2009.

REASONS FOR JUDGMENT BY:

TRUDEL J.A.

CONCURRED IN BY:

**DESJARDINS J.A.
NOËL J.A.**

Date: 20090325

Docket: A-222-08

Citation: 2009 FCA 98

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

BETWEEN:

RICHARD JAMES POLLITT

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

REASONS FOR JUDGMENT

TRUDEL J.A.

[1] Since 2003, Mr. Pollitt, who represents himself, has been unsuccessful in his attempts to have rulings made by the Employment Insurance Commission reversed. His appeals were dismissed at all levels.

[2] This application for judicial review presents itself as yet another attempt to this end. We are of the view that it cannot succeed.

[3] The decision under review is that of Umpire Teitelbaum who dismissed an application brought by Mr. Pollitt pursuant to section 120 of the *Employment Insurance Act*, R.C.S. 1996, c. 23 seeking reconsideration of a previous and similar reconsideration decision of Umpire Marin (CUB 66379B, September 14, 2007). Umpire Marin found that the applicant presented no new facts to justify his intervention, noting that the applicant “has developed a pattern of evasiveness.” Umpire Marin concluded that no further reconsideration would be entertained.

[4] The applicant alleges no error in the reconsideration decision of Umpire Teitelbaum. His arguments are all aimed at Umpire Marin’s original decision, whereby Umpire Marin dismissed the applicant’s appeal from the decision of the Board of Referees (CUB 66379A, April 3, 2007).

[5] The applicant neither challenged the original decision, nor sought an extension of time to do so (*Corbett v. Canada (Attorney General)*, 2007 FCA 292 at paragraph 6).

[6] Quoting from Decary J.A. in *Nickerson v. Canada (Employment Insurance Commission)*, 2006 FCA 110:

[3] This Court has said repeatedly that absent special circumstances it will not use a judicial review of the reconsideration decision as a vehicle to attack collaterally the original decision. The fact that an applicant is self-represented does not in itself constitute special circumstances. (see *Clow v. Canada (Employment Insurance Commission)*, [2004] FCA 439; *Mansour v. Canada (Attorney General)*, [2001] FCA 328; *Schooner v. Canada (Attorney General)*, [2004] FCA 411).

[7] The applicant has raised no special circumstances warranting a departure from this principle. Moreover, this Court will not review a decision which is time-barred.

[8] Therefore, this application for judicial review will be dismissed without costs.

“Johanne Trudel”

J.A.

“I concur
Alice Desjardins J.A.”

“I agree
Marc Noël J.A.”

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

(AN APPLICATION FOR JUDICIAL REVIEW MADE BY UMPIRE, MR. MAX M. TEITELBAUM, OF DECISION IN FILE NO. CUB66379B, DATED SEPTEMBER 14, 2008.)

DOCKET: A-222-08

STYLE OF CAUSE: RICHARD JAMES POLLITT v.
ATTORNEY GENERAL OF
CANADA

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MARCH 25, 2009

REASONS FOR JUDGMENT BY: TRUDEL J.A.

CONCURRED IN BY: DESJARDINS J.A.
NOËL J.A.

DATED: MARCH 25, 2009

APPEARANCES:

Richard James Pollitt FOR THE APPLICANT (SELF-
REPRESENTED)

Sharon McGovern FOR THE RESPONDENT

SOLICITORS OF RECORD:

FOR THE APPLICANT

John H. Sims. Q.C.
Deputy Attorney General of Canada FOR THE RESPONDENT