

**Date: 20090527**

**Docket: A-430-08**

**Citation: 2009 FCA 176**

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

**BETWEEN:**

**ATTORNEY GENERAL OF CANADA**

**Applicant**

**and**

**YVES VALLÉE**

**Respondent**

Hearing held at Montréal, Quebec, on May 27, 2009.

Judgment delivered from the Bench at Montréal, Quebec, on May 27, 2009.

**REASONS FOR JUDGMENT OF THE COURT BY:**

**DESJARDINS J.A.**

Cour d'appel  
fédérale



CANADA

Federal Court  
of Appeal

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**and**

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**REASONS FOR JUDGMENT OF THE COURT**  
**(Delivered from the Bench at Montréal, Quebec, on May 27, 2009)**

**DESJARDINS J.A.**

[1] We are all of the opinion that the Umpire was not authorized to intervene unless he explained how the decision of the Board of Referees was unreasonable, which he did not do (*Attorney General of Canada v. McBride*, 2009 FCA 1).

[2] The Umpire simply substituted his assessment of the facts for that of the Board of Referees in his analysis of the requirements of subsection 10(5) of the *Employment Insurance Act*, S.C. 1996, c. 23, which he could not do.

[3] The application for judicial review will be allowed, the Umpire's decision set aside and the matter referred back to the Chief Umpire or his delegate for redetermination on the basis that the respondent's appeal must be dismissed.

[4] The applicant claims no costs.

“Alice Desjardins”

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J.A.

Certified true translation  
Tu-Quynh Trinh

**FEDERAL COURT OF APPEAL**

**SOLICITORS OF RECORD**

**DOCKET:** A-430-08

**(JUDICIAL REVIEW OF A DECISION OF UMPIRE R. J. MARIN, DATED  
JUNE 30, 2008, FILE NO. CUB 69486A).**

**STYLE OF CAUSE:** ATTORNEY GENERAL OF  
CANADA v. YVES VALLÉE

**PLACE OF HEARING:** Montréal, Quebec

**DATE OF HEARING:** May 27, 2009

**REASONS FOR JUDGMENT OF THE COURT BY:** DESJARDINS J.A.  
NOËL J.A.  
BLAIS J.A.

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

**APPEARANCES:**

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**SOLICITORS OF RECORD:**

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