



FREDERICTON, NEW BRUNSWICK, MONDAY, DECEMBER 9, 1996

CORAM: HUGESSEN, J.A.
DÉCARY, J.A.
CHEVALIER, D.J.

BETWEEN:

THE ATTORNEY GENERAL OF CANADA

Applicant

- and -

JOAN E. DUECK

Respondent

JUDGMENT

HUGESSEN J.A.

The application is dismissed.

"J. K. Hugessen"

J.A.



**CORAM: HUGESSEN, J.A.
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CHEVALIER, D.J.**

B E T W E E N:

THE ATTORNEY GENERAL OF CANADA

Applicant

- and -

JOAN E. DUECK

Respondent

REASONS FOR JUDGMENT

(Delivered from the Bench at Fredericton, Monday, December 9, 1996)

HUGGESSEN J.A.

We have not been persuaded that the Umpire was wrong to overturn the Board's decision to the effect that the claimant had not shown that she had no reasonable alternative to leaving her employment. The material on the record shows that the claimant's fiancé, with whom she had lived for some 8 months, was transferred from Saskatoon to Moncton. The claimant stayed in Saskatoon a further 9 months but was unable, at that distance, to obtain employment in Moncton. It was then that she quit her job in Saskatoon, moved to Moncton and eventually married. The Umpire was right to find that the Board had failed to have regard to the totality of the evidence, which was enough to justify his intervening and reaching his own conclusion on the facts.

The application will be dismissed.


J.A.

**FEDERAL COURT OF CANADA
APPEAL DIVISION**

NAMES OF SOLICITORS AND SOLICITORS ON THE RECORD

COURT FILE NO.: A-535-96

STYLE OF CAUSE: THE ATTORNEY GENERAL OF CANADA

- and -

JOAN E. DUECK

PLACE OF HEARING: Fredericton, New Brunswick

DATE OF HEARING: December 9, 1996

REASONS FOR JUDGMENT BY: Hugessen J.A.

APPEARANCES:

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FOR THE APPLICANT

Alan Miles

FOR THE RESPONDENT

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