

Date: 20070528

Docket: A-322-06

Citation: 2007 FCA 204

**CORAM: LÉTOURNEAU J.A.
NADON J.A.
PELLETIER J.A.**

BETWEEN:

ATTORNEY GENERAL OF CANADA

Applicant

and

MARCO CARON

Respondent

Hearing held at Fredericton, New Brunswick, on May 28, 2007.

Judgment delivered from the bench at Fredericton, New Brunswick, on May 28, 2007.

REASONS FOR JUDGMENT OF THE COURT BY:

LÉTOURNEAU J.A.

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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the bench at Fredericton, New Brunswick, on May 28, 2007)

LÉTOURNEAU J.A.

[1] The outcome of this case is governed by the settled jurisprudence of our Court that a return to school, including a training course, is not just cause for leaving an employment within the meaning of sections 29 and 30 of the *Employment Insurance Act*, S.C. 1996, c. 23 (Act): see *Canada (Attorney General) v. Barnett*, [1996] F.C.J. No. 1289; *Canada (Attorney General) v. Bois*, 2001 FCA 175; *Canada (Attorney General) v. Connell*, 2003 FCA 144; *Canada (Attorney General)*

v. Lessard, 2002 FCA 469; *Canada (Attorney General) v. Martel* (F.C.A.), [1994] F.C.J. No. 1458; and *Canada (Attorney General) v. Traynor*, [1995] F.C.J. No. 836.

[2] Furthermore, CUB 53009, which was the basis of the Umpire's determination in this case, was set aside by our Court: see *Canada (Attorney General) v. Connell*, *supra*.

[3] For these reasons, the application for judicial review will be allowed without costs, since the respondent did not oppose the application. The decision of the Umpire will be set aside and the matter will be remitted to the Chief Umpire or his or her delegate for redetermination on the basis that the respondent is disqualified from receiving benefits by operation of sections 29 and 30 of the Act.

“Gilles Létourneau”

J.A.

FEDERAL COURT OF APPEAL

SOLICITORS OF RECORD

DOCKET: A-322-06

STYLE OF CAUSE: ATTORNEY GENERAL OF
CANADA v. MARCO CARON

PLACE OF HEARING: Fredericton, New Brunswick

DATE OF HEARING: May 28, 2007

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OF THE COURT BY:** LÉTOURNEAU J.A.
NADON J.A.
PELLETIER J.A.

DELIVERED FROM THE BENCH BY: LÉTOURNEAU J.A.

APPEARANCES:

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SOLICITORS OF RECORD:

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Deputy Attorney General of Canada