

**Date: 20081020**

**Docket: A-512-07**

**Citation: 2008 FCA 313**

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

**BETWEEN:**

**FRANÇOIS DUQUET**

**Applicant**

**and**

**CANADA EMPLOYMENT INSURANCE COMMISSION  
AND ATTORNEY GENERAL OF CANADA**

**Respondents**

Hearing held at Montréal, Quebec, on October 20, 2008.

Judgment delivered from the bench at Montréal, Quebec, on October 20, 2008.

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

**NADON J.A.**

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**REASONS FOR JUDGMENT OF THE COURT**  
**(Delivered from the bench at Montréal, Quebec, on October 20, 2008)**

**NADON J.A.**

[1] In our opinion, in concluding that the claimant had not shown that he was available for work during his period of full-time studies, Umpire Goulard did not commit any error that would permit us to intervene.

[2] Moreover, we are of the opinion that, given the evidence and the case law of our Court, the conclusion reached by the Umpire was inevitable (see: *Faucher v. Canada (Employment and*

*Immigration Commission*) (1997) 215 NR 314 (FCA); and *Canada (Attorney General) v. Bois*, 2001 FCA 175). Indeed, there can be no doubt that owing to his university courses, the claimant was only available at certain times on certain days, which restricted his availability and therefore limited his chances of finding employment.

[3] In his application for judicial review, the applicant included documents that were not before the Board of Referees or the Umpire, and asks that we consider them, to which the Attorney General of Canada objects on the grounds that the conditions precedent to the filing of new evidence have not been fulfilled.

[4] We agree with the Attorney General's position. Accordingly, we did not consider the new evidence. In any case, even if we had agreed to consider the new evidence, it would not have influenced the outcome of the application for judicial review.

[5] The application for judicial review will therefore be dismissed with costs.

“Marc Nadon”

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J.A.

**FEDERAL COURT OF APPEAL**

**SOLICITORS OF RECORD**

**DOCKET:** A-512-07

**(APPEAL FROM A DECISION OF UMPIRE GOULARD DATED NOVEMBER 21, 2006,  
CUB 67165).**

**STYLE OF CAUSE:** FRANÇOIS DUQUET v. CANADA  
EMPLOYMENT INSURANCE  
COMMISSION AND ATTORNEY  
GENERAL OF CANADA

**PLACE OF HEARING:** Montréal, Quebec

**DATE OF HEARING:** October 20, 2008

**REASONS FOR JUDGMENT OF THE COURT BY:** NOËL J.A.  
NADON J.A.  
TRUDEL J.A.

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

**APPEARANCES:**

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Chantal Labonté

**SOLICITORS OF RECORD:**

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Deputy Attorney General of Canada