

Date: 20081211

Docket: A-213-08

Citation: 2008 FCA 387

**CORAM: RICHARD C.J.
DESJARDINS J.A.
NOËL J.A.**

BETWEEN:

DAWIT TUQUABO

Appellant

and

ATTORNEY GENERAL OF CANADA

CANADA REVENUE AGENCY

Respondent

Heard at Ottawa, Ontario, on December 9, 2008.

Judgment delivered at Ottawa, Ontario, on December 11, 2008.

REASONS FOR JUDGMENT BY:

NOËL J.A.

CONCURRED IN BY:

**RICHARD C.J.
DESJARDINS J.A.**

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REASONS FOR JUDGMENT

NOËL J.A.

[1] This is an appeal from a decision of Heneghan J. of the Federal Court (the Applications Judge) denying the appellant's judicial review application of a decision of an Adjudicator pursuant to the *Public Service Labour Relations Act*, S.C. 2003, c. 22, being Part I of the *Public Service Modernization Act*, S.C. 2003, c. 22.

[2] By that decision, the Adjudicator held that a letter written by the appellant to the Commissioner of the Canada Revenue Agency asking that he investigate “abuse of power” by his supervisors could not be construed as a grievance and that consequently, he lacked jurisdiction to proceed with the adjudication of the appellant’s complaint.

[3] Applying a standard of reasonableness, the Applications Judge refused to interfere with the Adjudicator’s decision. In the course of her reasons, she explains why the decision was reasonable and addresses the various arguments advanced by the appellant in support of his application.

[4] The appellant takes issue with the standard of review applied by the Applications Judge and reiterates the arguments which were considered and dismissed by her. Having reviewed her decision, I am satisfied that she applied the appropriate standard of review and properly answered each of these arguments.

[5] I would dismiss the appeal with costs.

“Marc Noël”

J.A.

“I agree.
J. Richard C.J.”

“I concur.
Aline Desjardins J.A.”

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-213-08

**(APPEAL FROM A JUDGMENT OF THE HONOURABLE JUSTICE HENEGHAN
DATED APRIL 30, 2008, NO. T-520-07.)**

STYLE OF CAUSE: DAWIT TUQUABO AND
ATTORNEY GENERAL OF
CANADA AND CANADA
REVENUE AGENCY

PLACE OF HEARING: Ottawa, Ontario

DATE OF HEARING: December 9, 2008

REASONS FOR JUDGMENT BY: Noël J.A.

CONCURRED IN BY: Richard C.J.
Desjardins J.A.

DATED: December 11, 2008

APPEARANCES:

Dawit Tuquabo ON HIS OWN BEHALF

Simon Kamel FOR THE RESPONDENT

SOLICITORS OF RECORD:

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