

Date: 20091202

Docket: A-340-07

Citation: 2009 FCA 354

**CORAM: SHARLOW J.A.
RYER J.A.
TRUDEL J.A.**

BETWEEN:

GARY PENNEY

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

Heard at Ottawa, Ontario, on December 2, 2009.

Judgment delivered from the Bench at Ottawa, Ontario, on December 2, 2009.

REASONS FOR JUDGMENT OF THE COURT BY:

RYER J.A.

Date: 20091202

Docket: A-340-07

Citation: 2009 FCA 354

**CORAM: SHARLOW J.A.
RYER J.A.
TRUDEL J.A.**

BETWEEN:

GARY PENNEY

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Ottawa, Ontario, on December 2, 2009)

RYER J.A.

[1] Despite the spirited efforts of counsel for the applicant, we are not persuaded that the Umpire, in holding the decision of the Board, made any error that warrants our intervention. Accordingly, the application will be dismissed with costs.

“C. Michael Ryer”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-340-07

**(APPLICATION FOR JUDICIAL REVIEW OF AN UMPIRE'S DECISION (CUB 68224)
DATED APRIL 30, 2007)**

STYLE OF CAUSE: Gary Penney Applicant
v. Attorney General of Canada Respondent

PLACE OF HEARING: Ottawa, Ontario

DATE OF HEARING: December 2, 2009

REASONS FOR JUDGMENT OF THE COURT BY: (Sharlow, Ryer, Trudel JJ.A)

DELIVERED FROM THE BENCH BY: Ryer J.A.

APPEARANCES:

Marc A.C. Cooper

FOR THE APPLICANT

Mark S. Freeman

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Marc Cooper Law Office
South Dildo, NL

FOR THE APPLICANT

John H. Sims, Q.C.
Deputy Attorney General of Canada

FOR THE RESPONDENT