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F I L E D	FEDERAL COURT COUR FÉDÉRALE	D E P O S E
	July 17, 2023 17 juillet 2023	
Josephine Chan		
Toronto, ON		1

FORM 301 Rule 301
Notice of Application

T-1474-23

FEDERAL COURT

BETWEEN:

ALEXANDRE DMITRIENKO

Applicant

and

THE ATTORNEY GENERAL OF CANADA,

THE MINISTER OF VETERANS AFFAIRS CANADA

Respondents

**APPLICATION UNDER SECTION OF 18.1 OF THE
 FEDERAL COURT ACT**

***“An application for judicial review may be made by the
 Attorney General of Canada or by anyone directly affected by
 the matter in respect of which relief is sought.”***

(Court seal)

Notice of Application

TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the applicant. The relief claimed by the applicant appears below.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at Toronto, Ontario.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must file a notice of appearance in Form 305 prescribed by the Federal Courts Rules and serve it on the applicant's solicitor or, if the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the Federal Courts Rules, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

July 17, 2023

Issued by: "Alice Prodan Gil"

TO: THE ATTORNEY GENERAL OF CANADA,
284 Wellington Street, Ottawa, Ontario K1A 0H8,
THE MINISTER OF VETERANS AFFAIRS CANADA
PO Box 7700, Charlottetown, Prince Edward Island C1A 8M9

Address of local office:
180 Queen Street W.
Suite 200
Toronto, ON
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Application

This is an application for judicial review, pursuant to section 18.1 of the Federal Court Act in respect of the Veterans Review and Appeal Board, Veterans Affairs Canada, decision number 100004917561, dated 9 June 2023, and communicated to the Applicant on 1 July 2023, by which Applicant's Application for Reconsideration of the previous Board's decision 100004809769, dated 24 March 2022, was denied and no assessment for Applicant's claimed cardiorespiratory impairment was provided.

The Applicant makes application for Federal Court to quash Veterans Review and Appeal Board decision 100004917561 and refer the matter to a differently constituted Veteran Review and Appeal Board's Panel for assessment of the Applicant's claimed condition of Post-Pulmonary Embolism Cardiorespiratory Impairment in light of the Pension Act.

The grounds for the application arise from Applicant's belief that Veterans Review and Appeal Board conducted its business in the following manner:

1. It failed to observe principles of natural justice by showing bias and unfairness.
2. It unreasonably rejected the Application for Reconsideration without responding to allegations of errors in fact and law committed while making its previous decision.
3. It contradicted section 2 of the Pension Act and Chapter 1 of the Table of Disabilities and failed to recognize disability in form of disturbance.
4. It contradicted section 5 of the Pension Act and section 39 of the Veterans Review and Appeal Board Act and unreasonably ignored multiple relevant and credible evidence it had in front of it while making its decision.
5. It refused to exercise its jurisdiction contrary to section 26 of the Veterans Review and Appeal Board Act.

This application will be supported by the following material:

1. Veterans Review and Appeal Board decision 100004917561 dated 9 June 2023;

2. Veterans Review and Appeal Board decision 100004809769 dated 21 April 2022;
3. Applicant's Statement of Case with Veterans Affairs Canada;
4. Records of Communication between Applicant and Veterans Review and Appeal Board.

17 July 2023



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[SOR/2021-151, s. 22](#)