

FEDERAL COURT OF APPEAL

Court file No: A-139-23

BETWEEN:**Sky Sullivan**

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondents

**APPLICATION UNDER SECTION 28.1 OF THE FEDERAL COURTS
ACT****NOTICE OF APPLICATION**

TO THE RESPONDENTS:

A PROCEEDING HAS BEEN COMMENCED by the Applicant. The relief claimed by the Applicant appears on the following page.

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 Ottawa, 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 prepare a notice of appearance in form 305 prescribed by the Federal Courts Rules and serve it on the applicant's solicitor WITHIN 10 DAYS after being served with this notice of application.

FEDERAL COURT OF APPEAL COUR D'APPEL FÉDÉRALE	
F I L E D	May 25, 2023 Y. Pataroo
OTTAWA, ON	1

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, JUDGEMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Date: May 24, 2023.

Issued by: Yovana Pataroo

(Registry Officer)

Address of local office: Thomas D'Arcy McGee Building
90 Sparks Street,
5th floor Ottawa, Ontario K1A 0H9

TO: **Social Security Tribunal of Canada**

PO Box 9812
Station T
Ottawa, ON K1G 6S3

Respondent

AND TO: **Attorney General of Canada**

284 Wellington Street
Ottawa, ON K1A 0H8

Respondent

AND TO: *The tribunal in respect of which the application is brought (Rule 304(1) (b)(i))*

APPLICATION

1. This is an application for judicial review pursuant to section 28.1 of the Federal Courts Act, R.S.C. 1985, c. F-7, of a decision made by the Social Security Tribunal of Canada Appeal Division on April 25, 2023, pertaining to file AD-22-832.

2. The Applicant respectively makes application for:

Employment Insurance Benefits to provided/granted.

A review of how the Social Security Tribunal of Canada can not define what Misconduct means and still maintained dismissing the Applicant even though finding possible errs in law themselves, resulting in great hardship and a unnatural remedy.

3. The grounds for the application are:

I. Canadian Bill of Rights 1960, c. 44 Part 1 (a) and (b).

II. Canadian Charter of Rights and Freedoms sections 2 (a) and (b) Fundamental Freedoms, Legal Rights 7, Equality Rights 15 (1) and Enforcement 24 (1).

III. Leave to Appeal Decision Granted by SST Appeal Division Member CHARLOTTE MCQUADE. File AD-22-832.

IV. Breach of procedural fairness, the Applicant's Witnesses were not sworn in during the SST General Division Hearing.

V. Failure of Due Diligence, SST states that they can not define Misconduct as per the EI Act and they have only relied on this so far as a investigative technique.

VI. Department of Employment and Social Development Act (S.C. 2005, c. 34) Grounds of Appeal - Employment Insurance Section 58 (1) (a), (b) and (c).

VII. Case Law review defining Misconduct in aspect of a Medical Disability.

4. This application will be supported by the following material:

Any documentary or documentation pertaining along the way as requested or needed, ie. Decisions, Written Arguments, a Affidavit as requested or needed, Dates, Work Contract, Termination Letter, Notice of Unpaid Leave, Return to work letter, Notice and documentary proof of Applicant's compliance with Work Policies, including acknowledgement from work personnel through emails of intentions, Etc...

Rule 317 Request

Pursuant to Rule 317 and 350 of the Federal Courts Rules, SOR/98-106, the Applicant requests that the SST send a certified copy of the following material to the Registry:

- I. A list of all materials pertaining and held by the SST for file AD-22-832.
- II. SST Leave to Appeal Decision dated Jan 18, 2023.
- III. SST Appeal Divisions Member's MELANIE PETRUNIA Decision dated April 25, 2023.
- IV. SST General Divisions Member's SOLANGE LOSIER Decision dated Nov 7, 2022.
- V. Applicant's Written Arguments File # AD 5-2 to 5-4.
- VI. Applicant's additional Written Arguments File # AD 6-1.
- VII. Applicant's Reasons for Appeal File # AD 1-1 to 1-11.
- VIII. Audio transcripts of both past telephone Hearings.

May 24, 2023

Sky Sullivan

Sky Sullivan
4 Rowan Road
Stittsville, Ontario K2S 1B7
Email: skysullivan92@gmail.com
Telephone: (613) 400-9297

