

Court File No. AD-23-193

FEDERAL COURT OF APPEAL

BETWEEN:

Carmine Palozzi

Applicant

And

Attorney General of Canada

Respondent

Notice of Application for Judicial Review

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, Canada.

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.

This is an application for judicial review in respect of:

The decision to deny Employment Insurance (EI) benefits made by Neil Nawaz of the Social Security Tribunal of Canada, Appeal Division, 344 Slater St., Ottawa, ON K1R 5Y7.

The decision was made on August 7, 2023 and the Applicant was initially notified of the decision on August 8, 2023 via email. A correction by the tribunal was made on August 25, 2023 to state appeals can be heard by the Federal Court of Appeal instead of the Federal Court.

The applicant makes application for:

1. A writ of certiorari quashing the decision of the tribunal dated August 7, 2023 to deny Employment Insurance benefits based on an incorrect finding and conclusion of misconduct;
2. An order to compensate the applicant for all entitled Employment Insurance benefits; and
3. Such further and other relief as may be advised and this Honourable Court considers appropriate in the circumstances.

The grounds for the application are:

1. That the tribunal member failed to observe a principle of natural justice, procedural fairness or other procedure that he is required by law to observe;
2. That the tribunal member acted beyond his jurisdiction when coming to a conclusion;
3. That the tribunal member's decision does not meet the reasonableness standard of review;
4. That the tribunal member based his decision on erroneous findings that were made in a perverse or capricious manner without regard for the totality of the material before him;
5. The tribunal member inappropriately interpreted and applied the established test for misconduct; and
6. Such further grounds as may be advised and this Honourable Court may allow.

This application will be supported by the following material:

1. Social Security Tribunal (SST) decision
2. Employment Contract
3. Employer Vaccination Policy
4. Pre-hearing notes provided to the SST General and Appeal divisions and all other appellant submissions

5. Employment Insurance Commission submissions to the appeal division
6. SST Appeal Division Leave to Appeal Decision
7. Transcript of Appeal Division hearing on June 19, 2023
8. Recording of videoconference hearing with appeal division on June 19. 2023
9. Pre-review trial analysis and commentary

Dated this 6th day of September, 2023

Carmine Palozzi
Applicant

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A handwritten signature in black ink, appearing to read "Carmine Palozzi". The signature is stylized with a large, looped initial "C" and a long, horizontal stroke extending to the right.