

## FEDERAL COURT

Between:

CHRISTOPHER ANDREW ANTHONY WILLIAMS

Applicant

- and -

ATTORNEY GENERAL OF CANADA

Respondent

APPLICATION UNDER S. 18.1 OF THE *FEDERAL COURTS ACT*, RSC 1985, C. F-7

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### NOTICE OF APPLICATION

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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 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 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.

Date: January 19, 2023

Issued by:

(Registry Officer)

Address of local office:  
Courts Administration Service  
Thomas D'Arcy McGee Building  
90 Sparks Street, Main Floor  
Ottawa, ON K1A 0H9

TO:           **Respondent,**  
Attorney General of Canada  
Office of the Deputy Attorney General of Canada  
294 Wellington Street  
Ottawa, ON K1A 0H8

AND TO:     Adjudicator Steven Dunn  
Office of the Coordination of Grievances and Appeals  
Royal Canadian Mounted Police  
73 Leikin Drive  
Ottawa, ON K1A 0R2

## APPLICATION

This is an application for judicial review in respect of a decision by the delegate of the Commissioner of the Royal Canadian Mounted Police (RCMP), Steven Dunn (the “Adjudicator”) pursuant to s. 37(c) of the *Commissioner’s Standing Orders (Grievances and Appeals)*, SOR/2014-289, in which the Adjudicator dismissed the Applicant’s appeal from his medical discharge from the RCMP under s. 20.2(1)(g) of the *Royal Canadian Mounted Police Act*, RSC 1985, c R-10 and s. 6(a) of the *Commissioner’s Standing Orders (Employment Requirements)*, SOR/2014-292. The decision of the Adjudicator is dated December 16, 2022 and was served on the Applicant by email on December 21, 2022.

### THE APPLICANT MAKES APPLICATION FOR:

1. An order setting aside the decision of the Adjudicator, and remitting the Applicant’s appeal from his medical discharge to the Office for the Coordination of Grievances and Appeals of the RCMP for redetermination by a different adjudicator;
2. Costs of this application; and
3. Such further and other relief as the Applicant may request or this Honourable Court may deem just.

### THE GROUNDS FOR THE APPLICATION ARE:

#### Background

1. The Applicant, Christopher Williams, served for the RCMP for approximately 23 years, from February 26, 1996, until his medical discharge on February 6, 2019. He served across Canada including in Saskatchewan (F Division), Alberta (K Division), and British Columbia (E Division), in both general duty policing and specialist units.
2. The Applicant was exposed to several traumatic experiences during his career, as a direct result of which he sustained physical and psychological occupational injuries.
3. The Applicant took medical leave from the RCMP from June 2, 2017 to the date of his medical discharge, during which time he sought and received treatment for his occupational injuries.

4. On April 27, 2018, the RCMP initiated a process under the *Commissioner's Standing Orders (Employment Requirements)* to medically discharge the Applicant. A preliminary recommendation to discharge was presented on September 7, 2018. A recommendation to discharge was made on October 22, 2018. The Applicant was served with a notice of intent to discharge a member on October 25, 2018.
5. At no time during the medical discharge process did the RCMP request or obtain an opinion from the Applicant's primary treating psychologists, Dr. John Carmichael or Dr. Heather MacEachern, regarding his fitness for duty or prognosis, or the likelihood that further treatment or support could allow him to return to work with accommodations in the foreseeable future. The RCMP also did not request an Independent Medical Examination. Instead, the RCMP relied on the opinion of a hospital psychiatrist who had treated the Applicant for approximately three weeks during an acute health crisis in June 2018.
6. At no time during the medical discharge process did the RCMP ensure that Applicant was adequately represented. The RCMP was or ought to have been aware that any assistance the Applicant did receive from the Member Workplace Advisor (MWA) Program, the RCMP Member Representative Program / Directorate (MR) and the National Police Federation (NPF) was insufficient and inadequate.
7. On November 29, 2018, the Applicant requested a meeting to discuss his circumstances in advance of a decision being made on his medical discharge, as permitted by s. 9(2)(a) of the *Commissioner's Standing Orders (Employment Requirements)*. However, in a letter dated December 6, 2018, Superintendent Sherri Darrah declined to grant an in-person meeting.
8. On February 6, 2019, a record of decision was issued under s. 6(a) of the *Commissioner's Standing Orders (Employment Requirements)* and s. 20.2(1)(g) of the *Royal Canadian Mounted Police Act*, medically discharging the Applicant from the RCMP on the basis that he was unfit for any duties within the RCMP with no prognosis of a return to work.
9. On February 12, 2019, the Applicant filed an appeal of his medical discharge with the Office for the Coordination of Grievances and Appeals for the RCMP under s. 37(c) of the *Commissioner's Standing Orders (Grievances and Appeals)*.

10. In a final decision of the Adjudicator dated December 16, 2022, and served on the Applicant on December 21, 2022, the Adjudicator dismissed the appeal.

Grounds for judicial review

11. The Adjudicator erred or, in the alternative, acted unreasonably in concluding that the Applicant had not been denied procedural fairness when he was denied the opportunity to make oral submissions to the decision-maker at an in-person meeting, and in concluding that the denial of the meeting was not clearly unreasonable.
12. The Adjudicator erred or, in the alternative, acted unreasonably in concluding that the Applicant had received adequate disclosure from the RCMP in respect of the basis for his medical discharge, and the decision-making process leading to the discharge.
13. The Adjudicator erred or, in the alternative, acted unreasonably in not considering that the Applicants inadequate representation throughout the discharge process and appeal process that followed.
14. The Adjudicator's conclusion that the medical discharge was not tainted by a reasonable apprehension of bias was unreasonable.
15. The Adjudicator erred or, in the alternative, acted unreasonably by refusing to allow the Applicant to file new evidence in support of his appeal, including information that he was required to obtain through access to information requests and received after his medical discharge.
16. The Adjudicator erred or, in the alternative, acted unreasonably by refusing to consider information that was relevant to facts leading to and following the medical discharge.
17. The Adjudicator erred or, in the alternative, acted unreasonably by refusing to consider information related to the administration of the Office for the Coordination of Grievances and Appeals process that followed the discharge.
18. The Adjudicator's conclusion that the RCMP fulfilled its duty to accommodate the Applicant to the point of undue hardship, as required by the *Canadian Human Rights Act*, RSC, 1985, c H-6, was unreasonable.

19. The Applicant pleads s. 18.1 of the *Federal Courts Act*; ss. 3, 7, 15, and 25 of the *Canadian Human Rights Act*; the *Royal Canadian Mounted Police Act*; the *Commissioner's Standing Orders (Grievances and Appeals)*; and the *Commissioner's Standing Orders (Employment Requirements)*.

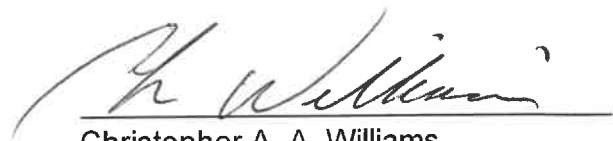
**THIS APPLICATION WILL BE SUPPORTED BY THE FOLLOWING MATERIAL:**

1. Affidavit of the Applicant, Christopher A. A. Williams;
2. Such other material as the Applicant may advise and the Court may permit.

**THE APPLICANT REQUESTS** the Office for the Coordination of Grievances and Appeals of the RCMP (OCGA) to send a certified copy of the following material that is not in the possession of the applicant but is in the possession of the OCGA to the applicant and to the Registry:

1. Appeal record prepared by the OCGA;
2. Material that was before the medical discharge decision-maker;
3. Report of the External Review Committee dated October 18, 2022; and
4. Any other material that was before the Adjudicator.

Date: January 19, 2023



Christopher A. A. Williams  
Applicant

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