

PROTECTED B s.19(1)

DEPARTMENT OF NATIONAL DEFENCE

OFFICE OF THE
JUDGE ADVOCATE GENERAL



MINISTÈRE DE LA DÉFENSE NATIONALE

CABINET DU		
JUGE-AVOCAT GÉNÉRAL		
JUDGE ADVOCATE GENERAL		
DJAG/PER JAGA/PER		
FILE No./		
# DE DOSSIER 147-10		
1139 MAY 13 1997		
POSN	DATE	INIT.
DJAG/Per	13-5-	

MEMORANDUM

1137-1 (D Law/C)

13 May 97

EA/COS ADM(Per) (thru DJAG/Per)

LITIGATION BY CF MEMBERS

Ref: Telecon [redacted] 6 May 97

1. At the Ref, a list of cases of CF members suing the Crown for personnel matters was requested.

2. The records of this Directorate have been reviewed and we wish to advise as follows:

[redacted] - former Capt challenging decisions to deny him a compassionate posting and to suspend him from duty.

[redacted] - former Cpl alleging wrongful release under item 5(f) arising from his refusal to attend a career course at CFB Borden following the revelation of his participation in a MP drug operation.

[redacted] - former member released under item 5(d) for homosexuality seeking damages for his release item.

[redacted] - individuals complaining about a lack of French language services at CFB Moose Jaw.

[redacted] - former member who had grieved RW, C&P and a PER to MND and was told his grievance could no longer be forwarded to Governor in Council, challenging this.

[redacted] - former member released under item 5(d) alleging wrongful dismissal.

[redacted] - alleging wrongful dismissal since his medical release was without just cause and resulted from negligence and breach of fiduciary duty on the part of DHTS and the CMRB.

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██████████ - former Maj alleging breach of contract and negligent misrepresentation associated with conversion from GSO to a specialist officer which affected his terms of service.

██████████ - Capt challenging the denial of his grievance for not having been accepted for FRP.

██████████ - former Cpl alleging a lack of procedural fairness in release procedures.

██████████ - complaining that he was not able to advance in his trade in the Naval Reserve since required courses were offered in English only.

██████████ - alleging discrimination because of race and having been falsely accused of sexual assault of an officer's daughter leading to ill treatment which resulted in his constructive discharge from CF.

██████████ - former Cpl challenging the decision to release him under item 5(f) for off-duty misconduct.

██████████ - alleged wrongful recruiting - delay in Pilot training.

██████████ - former legal officer bringing various actions in relation to his suspension, dismissal and prosecution at a court martial and seeking to set aside MND's denial of his grievance.

██████████ - former Maj alleging breach of Charter rights by CF's revocation of his release as a result of charges being laid against him under the NDA for defrauding the Crown, breach of trust.

██████████ - former Cpl seeking to have his item 5(f) release for alcohol related problems quashed on the grounds that principles of fairness were not observed during release procedures.

██████████ - alleging wrongful dismissal (i.e. that his release on medical grounds was without just cause).

██████████ - former OCdt challenging his medical release for a previously existing condition.

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[REDACTED] - Sgt seeking damages for wrongful posting to CFB Winnipeg after withdrawal of his FRP application on the understanding that he would not be posted out of Edmonton.

[REDACTED] - former WO alleging constructive dismissal because ARC was not available in French at CFB Gagetown and he was denied a posting to Quebec.

[REDACTED] - LCdr(R) alleging defamation and violation of his Charter rights resulting from MP investigation into his alleged misconduct while serving as Executive Officer at HMCS QUADRA.

[REDACTED] - Capt alleging negligence in the handling of a situation at CFB Chilliwack involving his wife and a CF padre.

[REDACTED] - former OS seeking to have his release quashed on grounds that principles of fundamental fairness were not observed during release proceedings.

[REDACTED] - challenging his release for irregular enrolment while on LWOP following enrolment.

[REDACTED] - wrongful release from final year at RRMC.

[REDACTED] - LCol(R) alleging unjust dismissal from position of CO of [REDACTED]

[REDACTED] - medical officer alleging misrepresentation at time of his enrolment under MOTP.

[REDACTED] - alleging breach of contract on release after subsidized education and claiming for loss of scholarships, loss of income and legal expenses.

[REDACTED] - former Cpl alleging that he was released as a result of linguistic difficulties he encountered during his trades training at CFB Moose Jaw.

[REDACTED] - alleging that he was released for sexual misconduct as a result of an incident at CDLS(W) despite findings of an SI that there was insufficient evidence to lay charges.

[REDACTED] - former Cpl claiming damages for failure to post her from CFB North Bay following a sexual assault by a 2Lt.

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██████████ - former Padre alleging wrongful dismissal from CF and separate actions claiming damages for defamation, breach of fiduciary duty, etc, and an injunction resulting from an SI and various correspondence relating to his conduct in the CF.

3. D Law/HRI may be aware of additional cases.

B. Pinsonneault

B. Pinsonneault
LCol
D Law/C
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