

**Date: 20071005**

**Docket: T-2117-05**

**Citation: 2007 FC 1032**

**BETWEEN:**

**JAEWON CHO**

**Plaintiff**

**and**

**ASSISTANT COMMISSIONER OF "O" DIVISION, RCMP**

**Defendant**

**REASONS FOR ORDER**

**(Delivered from the Bench in Toronto, Ontario  
on October 4, 2007)**

**HUGESSEN J.**

[1] The plaintiff sought employment from Canada Post.

[2] The latter required that he undergo a criminal record check from the Royal Canadian Mounted Police (RCMP).

[3] That force advised Canada Post that it was unable to guarantee the results of a check on the plaintiff, whose name he admits is fairly common, without also having a fingerprint check so as to ensure identity. The plaintiff agreed to submit to a fingerprint check and provided his fingerprints.

[4] In due course, the criminal record check came back from the RCMP to Canada Post and it showed the plaintiff not to have any criminal record.

[5] Notwithstanding that fact the plaintiff did not obtain the desired employment and his present suit seeks damages on that basis.

[6] There is no evidence whatever of any negligence or improper activity on the part of the RCMP. In fact, it is abundantly clear that there was no direct relationship of any kind between the plaintiff and the RCMP. His relationship was entirely with Canada Post.

[7] There is no evidence that the RCMP did anything other than carry out their regular procedure for doing criminal record checks. That procedure routinely involves the use of fingerprints where a person has a relatively common name and a cross-check with the date of birth is not enough.

[8] There is simply no basis upon which the plaintiff's claim can be sustained.

[9] There is another serious defect in the plaintiff's action for he has sued, as named defendant, an individual officer who is in charge of the "O" Division. That officer is not in charge directly or indirectly of those persons in the RCMP responsible for providing criminal record checks.

[10] This may seem like a relatively unimportant defect but it has been drawn to the plaintiff's attention, and he has repeatedly and stubbornly insisted on leaving his pleadings as they are, and in refusing to make the necessary amendments. This Court is very reluctant to deny a plaintiff his recourse simply on the basis of a technical error of this sort. But we are unable to help those who refuse to even help themselves. So for that reason too the claim cannot succeed.

[11] This is a summary judgment motion. The motion will be allowed and the plaintiff's action will be dismissed with costs.

“James K. Hugessen”

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** T-2117-05

**STYLE OF CAUSE:** JAEWON CHO  
and  
ASSISTANT COMMISSIONER OF "O" DIVISION,  
RCMP

**PLACE OF HEARING:** Toronto, Ontario

**DATE OF HEARING:** October 4, 2007

**REASONS FOR ORDER:** HUGESSEN J.

**DATED:** October 5, 2007

**APPEARANCES:**

Jaewon Cho

FOR THE PLAINTIFF  
(SELF-REPRESENTED)

Susan Keenan

FOR THE DEFENDANT

**SOLICITORS OF RECORD:**

Toronto, Ontario

FOR THE PLAINTIFF

John H. Sims, Q.C.  
Deputy Attorney General of Canada

FOR THE DEFENDANT