

Federal Court of Appeal



Cour d'appel fédérale

Date: 20260305

Docket: A-107-25

Citation: 2026 FCA 50

**CORAM: DE MONTIGNY C.J.
ROUSSEL J.A.
PAMEL J.A.**

BETWEEN:

DMYTRO PONOMAROV

Appellant

and

ATTORNEY GENERAL OF CANADA

Respondent

Heard at Vancouver, British Columbia, on March 5, 2026.
Judgment delivered from the Bench at Vancouver, British Columbia, on March 5, 2026.

REASONS FOR JUDGMENT OF THE COURT BY:

DE MONTIGNY C.J.

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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Vancouver, British Columbia, on March 5, 2026).

DE MONTIGNY C.J.

[1] The appellant, Mr. Ponomarov, appeals the decision of the Federal Court dated February 20, 2025 (*Ponomarov v. Canada (Attorney General)*, 2025 FC 328), whereby his application for judicial review of a decision by the Social Security Tribunal – Appeal Division (the “Appeal Division”) on a leave application was dismissed.

[2] Mr. Ponomarov raises a number of issues, revolving for the most part around the correct legal test to assess misconduct, the alleged error by the General Division to decide the case on the basis of voluntary leaving rather than on misconduct, and misapprehension or mischaracterization of the relevant facts.

[3] On appeal from a Federal Court judicial review decision, this Court's role is to determine if the Federal Court identified the correct standard of review and properly applied that standard. While the focus of our enquiry must therefore be the decision of the Appeal Division, it is now beyond dispute that appellants will bear a strong burden to convince this Court that its intervention is warranted when the Federal Court has convincingly addressed all of their arguments (*Bank of Montreal v. Canada (Attorney General)*, 2021 FCA 189 at para. 4; *Kandasamy v. Canada (Attorney General)*, 2024 FCA 181 at para. 7; *Canada (Attorney General) v. Canadian Civil Liberties Association*, 2026 FCA 6 at para. 161).

[4] This is precisely the case here. Not only has the Federal Court correctly identified reasonableness as the applicable standard of review, except with respect to procedural fairness issues, but it also thoroughly addressed all of the Mr. Ponomarov's arguments. Considering the high degree of deference that a reviewing court must show when applying the reasonableness standard to a decision of an administrative tribunal, and the narrow jurisdiction of the Appeal Division on a leave application, we have not been convinced that this Court ought to intervene.

[5] Although Mr. Ponomarov has been encouraged to do so by this Court on several occasions, at no time did he address the findings of the Appeal Division or why such findings

would justify this Court's intervention. As a result, not only has Mr. Ponomarov not convinced us that the Appeal Division misapprehended the facts or erred in its application of the law, but we are also of the view, much like the Federal Court, that he is essentially asking us to reassess the evidence with a view to reach a different conclusion. This is not the role of this Court.

[6] For the foregoing reasons, we will therefore dismiss the appeal, without costs.

“Yves de Montigny”

Chief Justice

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-107-25

STYLE OF CAUSE: DMYTRO PONOMAROV v.
ATTORNEY GENERAL OF
CANADA

PLACE OF HEARING: VANCOUVER, BRITISH
COLUMBIA

DATE OF HEARING: MARCH 5, 2026

REASONS FOR JUDGMENT OF THE COURT BY: DE MONTIGNY C.J.
ROUSSEL J.A.
PAMEL J.A.

DELIVERED FROM THE BENCH BY: DE MONTIGNY C.J.

APPEARANCES:

Dmytro Ponomarov ON HIS OWN BEHALF

Marcus Dirnberger FOR THE RESPONDENT

SOLICITORS OF RECORD:

Marie-Josée Hogue FOR THE RESPONDENT
Deputy Attorney General of Canada