ARMED FORCES

Judicial review of decision by Chief of Defence Staff (CDS) concluding that applicant not on duty at time of motor vehicle accident, that resulting injuries not attributable to military service — Applicant member of Canadian Forces (CF) serving in high-readiness unit — Returning to work after maternal leave, completing CF Family Care Plan (FCP) — Taking son to daycare on day of accident because husband notified having to report to work early — Notifying supervisor she was activating FCP, would be late arriving at work — CF Summary Investigation of accident finding that applicant on duty at time of accident — Veterans Affairs Canada denying disability benefits, concluding that applicant's injuries not attributable to military service — Applicant filing grievance — CDS concluding, *inter alia*, that FCP not constituting "regulated military duty" but rather "contingency plan" — Finding that applicant receiving permission to come to work late because of husband's attendance at training for imminent deployment not constituting execution of FCP — Whether CDS properly considering impact of FCP; whether findings that applicant not on duty at time of accident, injury not attributable to military service reasonable — Conclusion by CDS that "no military-business purpose was served" when applicant excused from duties reasonable — FCP declaration consisting of two parts — Completion of Part I mandatory whereas completion of Part II at option of member to provide information to unit authorities concerning member's FCP — No penalties attached to failure to complete Part II — Part II operative content of applicant's FCP, containing information dictated by applicant's particular family circumstances, not dictated by CF — Fact applicant, husband in high-readiness units not changing nature of FCP as contingency plan, operative content therein defined by CF members themselves — High-readiness status not sufficient to trigger FCP — CDS conclusion that FCP not applicable to circumstances where applicant dropping son off at daycare, but had not been called away from family for military duty, reasonable — Applicant not at a place or doing an act because she was so directed by military — Applicant away from duty for family reasons, whereas FCP only governing absences from family for duty reasons — No provision imposing requirement to liberally interpret term "attributability" as found in CF Administrative Order (CFAO) 24-6, *Investigation of Injuries or Death*, s. 30 — CDS' interpretation of CFAO 24-6 as different from *Pension Act*, R.S.C., 1985, c. P-6 not an error — CDS' conclusion that applicant's discharge of parental responsibilities not attributable to military service reasonable — Application dismissed.

FAWCETT V. CANADA (ATTORNEY GENERAL) (T-2187-16, 2017 FC 1071, McDonald J., judgment dated November 27, 2017, 15 pp.)