[TRANSLATION]

Citation: ***M. V. v. Canada Employment Insurance Commission*****, 2015 SSTGDEI 189**

Date: November 6, 2015

File: GE-15-1901

GENERAL DIVISION – Employment Insurance Section

Between:

M. V.

Appellant

and

Canada Employment Insurance Commission

Respondent

Decision by: Normand Morin, Member, General Division – Employment Insurance Section

Hearing by teleconference on November 5, 2015

REASONS AND DECISION

PERSONS IN ATTENDANCE

[1] The Appellant, M. V., was present at the telephone hearing (teleconference) on November 5, 2015. He was represented by Maxime Cauchy-Charest from the firm Martin Laroche (CSN legal service – Confédération des syndicats nationaux). Marie-Soleil Savoie Ouimet, an intern with the firm Martin Laroche, was also present at the hearing.

INTRODUCTION

[2] On December 19, 2014, the Appellant made an initial claim for benefits to take effect on December 21, 2014. The Appellant stated that he had worked for the Employer, Scierie Tech Inc., until December 18, 2014 and had ceased working for that employer because of a shortage of work (Exhibits GD3-3 to GD3-14).

[3] On April 8, 2015, the Respondent, the Canada Employment Insurance Commission (the "Commission"), informed the Appellant that he was not entitled to regular employment insurance benefits commencing February 15, 2015 because he had voluntarily left work at the Employer, Scierie Tech Inc., on February 19, 2015 without just cause under the *Employment Insurance Act* (the "Act") (Exhibits GD3-32 and GD3-33).

[4] On April 20, 2015, the Appellant filed a Request for Reconsideration of an Employment Insurance Decision (Exhibits GD3-34 to GD3-39).

[5] On May 20, 2015, the Commission informed the Appellant that it was upholding the decision of April 8, 2015 concerning his leaving voluntarily (Exhibits GD3-42 and GD3- 43).

[6] On June 12, 2015, the Appellant, represented by Maxime Cauchy-Charest, filed a Notice of Appeal to the Employment Insurance Division of the General Division of the Social Security Tribunal of Canada (the "Tribunal") (Exhibits GD2-1 to GD2-5).

[7] On June 19, 2015, the Tribunal informed the Employer, Scierie Tech Inc., that if it wanted to become an "added party" in this case, it had to file a request to that effect by

July 4, 2015 (Exhibits GD5-1 and GD5-2). The employer did not respond to that request (Exhibits GD1-1 to GD1-4).

[8] This appeal was heard by the teleconference hearing method for the following reason:

a) This method of proceeding respects the requirement under the *Social Security Tribunal Regulations* to proceed as informally and quickly as circumstances, fairness and natural justice permit (Exhibits GD-1 to GD-4).

ISSUE

[9] The Tribunal must decide if the Appellant had just cause to leave his employment voluntarily under sections 29 and 30 of the Act.

THE LAW

[10] The provisions relevant to leaving voluntarily are set out in sections 29 and 30 of the Act.

[11] With respect to the application of sections 30 to 33 of the Act concerning disqualification from receiving employment insurance benefits in the case of leaving without just cause, subsection 29(c) of the Act states:

> . . . just cause for voluntarily leaving an employment or taking leave from an employment exists if the claimant had no reasonable alternative to leaving or taking leave, having regard to all the circumstances, including any of the following: (i) sexual or other harassment, (ii) obligation to accompany a spouse, common-law partner or dependent child to another residence, (iii) discrimination on a prohibited ground of discrimination within the meaning of the *Canadian Human Rights Act*, (iv) working conditions that constitute a danger to health or safety, (v) obligation to care for a child or a member of the immediate family, (vi) reasonable assurance of another employment in the immediate future, (vii) significant modification of terms and conditions respecting wages or salary, (viii) excessive overtime work or refusal to pay for overtime work, (ix) significant changes in work duties, (x) antagonism with a supervisor if the claimant is not primarily responsible for the antagonism, (xi) practices of an employer that are contrary to law, (xii) discrimination with regard to employment because of membership in an association, organization or union of workers, (xiii) undue pressure by an employer on the claimant to leave their employment, and (xiv) any other reasonable circumstances that are prescribed.

[12] Subsections 30(1) and 30(2) of the Act provide as follows concerning a "disqualification" from receiving benefits:

> . . . (1) A claimant is disqualified from receiving any benefits if the claimant lost any employment because of their misconduct or voluntarily left any employment without just cause, unless (a) the claimant has, since losing or leaving the employment, been employed in insurable employment for the number of hours required by section 7 or 7.1 to qualify to receive benefits; or (b) the claimant is disentitled under sections 31 to 33 in relation to the employment. (2) The disqualification is for each week of the claimant's benefit period following the waiting period and, for greater certainty, the length of the disqualification is not affected by any subsequent loss of employment by the claimant during the benefit period.

EVIDENCE

[13] The evidence in the file is as follows:

a) A record of employment dated December 22, 2014 indicates that the Appellant worked as a "sawyer" for the Employer, Scierie Tech Inc., from January 5, 2014 to December 18, 2014 inclusive and that he ceased working for that employer because of a shortage of work (Code A – Shortage of work / End of contract or season) (Exhibit GD3-15).

b) A record of employment dated March 9, 2015 indicates that the Appellant worked as a sawyer for the Employer, Scierie Tech Inc., from January 4, 2015 to February 19, 2015 inclusive and that he ceased working for that employer after leaving voluntarily (Code E – Quit) (Exhibits GD3-16 to GD3-24);

c) On April 2, 2015, the Employer stated that the Appellant had worked for two years as a saw operator on the basis of 39 hours per week and that he no longer wanted a full-time position. It clarified that it could not offer him a part-time sawyer position but that it could offer him a position with fewer hours of work as a loader operator. The Employer stated that the Appellant had changed tasks to work as a loader operator in order to work fewer hours, but that he was not interested in that position. It stated that the Appellant had met someone new who lived in X, Quebec. The Employer explained that it had hired someone else as a sawyer because the Appellant wanted to leave. It indicated that the new person who had been hired was no longer working for the company and that it

had an urgent need to find someone else to replace him. The Employer stated that it had contacted the Appellant to ask him to come back to work, offering him a travel bonus, but the Appellant did not take the offer. As for the task given to the Appellant of stacking wood, the Employer indicated that it was "inappropriate" on its part because the Appellant was not supposed to do this type of work, that it had apologized to him and that the Appellant had only performed this work for less than a day (Exhibit GD3-30).

(d) On May 14, 2015, the Employer stated that, for more than a year, the Appellant had indicated to it his intention to leave and that he wanted to reduce his hours to perform part-time work. It indicated that the Appellant had worked as a sawyer for more than 20 years. The Employer indicated that it had only one person who worked, full time, as a sawyer and that the Appellant could have continued to perform this work because he had priority. The Employer stated that it had made every effort to retain the Appellant in its employ and that another person had been hired to take over when the Appellant left, but that that person had subsequently quit that employment. The Employer indicated that it had contacted the Appellant to ask him to return to the position that he had held as a sawyer and that he was also offered a bonus for his travel. The Employer stated that the Appellant was also offered the same hourly rate that he had as a sawyer, even though he had worked as a loader operator, which is normally paid less than a sawyer, with the goal of accommodating him and enabling him to have part-time employment. The Employer confirmed that the Appellant had only worked a half-day (four hours) stacking wood. It stated that it was still looking for employees. The Employer indicated that the Appellant has a new companion and that his life was now elsewhere (Exhibit GD3-40).

[14] The following evidence was presented at the hearing:

a) The Appellant reviewed the main elements in the file and the circumstances that led to him voluntarily leaving his employment with the Employer, Scierie Tech Inc. He mentioned that he had been employed as a sawyer for 20 years at a rate of 39 to 44 hours per week, Monday to Friday noon (seasonal employment). He clarified that his work consisted of cutting logs (Exhibits GD3-27 and GD3-29).

b) He explained that about a week after voluntarily leaving the employment that he held with the Employer, Scierie Tech Inc., on February 4, 2015, he communicated with a friend who lived in X. That individual told him that there was work available as a plasterer in that location and the friend referred him to his boss. He indicated that he learned that there would be work for him in about two weeks. He indicated that he then left everything to work for that employer (Exhibits GD3-25 to GD3-29 and GD3-38).

c) He explained that he moved to X in mid-February 2015 (on or about February 14, 15 or 16, 2015).

PARTIES' ARGUMENTS

[15] The Appellant and his representative, Maxime Cauchy-Charest, made the following arguments and submissions:

a) The Appellant explained that in November or December 2014, he had spoken with his employer about retiring. He explained that he was 64 years old and that he was approaching the start of his retirement. He explained that a former colleague who was doing the same work as he was, but as an apprentice, showed up at the Employer and the Employer had then hired him. He indicated that he helped this new employee to carry out his work, notably, use of the new machinery used by the Employer. He explained that the hiring of this new employee resulted in a reduction in his own hours of work as he had already requested of his employer (Exhibits GD3-27 to GD3-29 and GD3-38).

b) He stated that he wanted to reduce his hours of work as a sawyer and that he believed that the Employer would allow him to work on rotation so that he could do his work as a sawyer and as a loader operator. He stated that the Employer explained to him that the person who had been hired to replace him as a sawyer wanted to work full-time and that he felt "pushed aside" by the Employer (Exhibit GD3-41).

c) He explained that he had changed positions after a younger employee was hired. He stated that his employer had promised him another employment (position), in December 2014, in order to allow another employee to work as the sawyer (Exhibit GD3-29). He indicated that the new employee had only worked as a sawyer

part-time when he started. He claimed that because that employee no longer wanted to work only part-time and would quit if he did not obtain full-time work, the Employer then decided to assign him full-time to the sawyer position. The Appellant stated that the Employer did not want to lose this new employee. He claimed that he was unable to continue working full-time as a sawyer because the new employee was performing that task (Exhibits GD3-27 to GD3-29 and GD3-38).

d) He clarified that he had asked his employer to reduce his hours of work but not to change his employment or task. He explained that the Employer also knew that he wanted to retire and that rather than continuing his work as a sawyer, he was moved to work as a loader operator. He explained that this work consisted of emptying trucks loaded with round logs. He explained that when he worked as a loader operator, he worked full-time, namely, 39 hours per week. He stated that the pay for that job was less than what he was paid as a sawyer, specifically, $4.00 per hour less. He indicated that later, he would have had to work on call, during the day, evening, night or weekends (Exhibits GD3-27 to GD3-29 and GD3-38).

e) He also indicated, in one of his earlier statements, that he liked the work he was doing with the loader because there was not a lot of work (Exhibit GD3-29).

f) He indicated that he could have continued to hold his job as a full-time sawyer before the new employee began doing this type of work. He explained that he was the only employee able to perform the work of a sawyer at the mill in which he worked. He stated that he had asked to return to work as a sawyer but that he was unable to do so because the other employee working as a sawyer would have had to leave his employment.

g) He explained that in addition to his work as a loader operator, he was also required to perform other tasks such as stacking wooden planks because there was not enough work as a loader operator (e.g., sorting wood on a sorting table outside and stacking the wood in bundles). He indicated that this work was physically very difficult and that he experienced back problems. He stated that he did not consult a physician for the health problems he experienced (Exhibits GD3-27 to GD3-29, GD3-31 and GD3-38).

h) He stated that he did not say that he had only performed this work (stacking wood) on one occasion but that it was the Employer who had made that statement (Exhibit GD3-40). He stated that, initially, he did not perform this work for full days, but that he had had to perform it on different occasions over a number of weeks and not just on one day. He indicated that he did not consult a physician about the back pain he experienced performing this task. In an earlier statement, dated April 8, 2015, the Appellant stated that stacking wood was not his job with his employer and that he had only performed this type of work once (Exhibit GD3-31).

i) He recounted that on February 4, 2015, his last day of work with the Employer, Scierie Tech Inc., he was experiencing back pain because he had been stacking wood the whole of the previous day. He stated that in the morning, on his last day of work, his supervisor asked him to go stack the wood. He told him that he was unable to do that work because his back hurt too much. He said that his supervisor then said to him: [translation] ". . . if you are unable to work, then go home." He indicated that he then punched his card and went home.

j) He indicated that had his working conditions not changed, he would have continued to work for the Employer, Scierie Tech Inc., until he retired. He stated that it was not possible for him to continue to work as a sawyer. He claimed that the Employer was unable to pay two people at $18.65 to perform this type of work.

k) He stated that he had not yet started the new employment when he left his employment. He indicated that he had received a promise of employment in the week ending February 7, 2015. He explained that he handed in his resignation on February 13, 2015, started his new employment on February 16, 2015 and then confirmed his voluntary leaving with the Employer on February 20, 2015. He mentioned that he was earning $31.70 per hour in his new employment as a plasterer and that worked 27 to 38 hours per week. He indicated that because the winter of 2014 had been very cold, there was less work but that he would go back to this work full-time (Exhibits GD3-25 to GD3-27, GD3-28, GD3-29 and GD3-38).

l) He indicated that he moved to X to start his new employment but also for personal reasons in order to be closer to a new acquaintance who lived in his new town of residence (Exhibit GD3-27 to GD3-29).

m) He stated that when the Employer offered him his work as a sawyer back again, it was after the other sawyer had left. He explained that the offer was only for employment for two weeks as a replacement for another person and not for full-time employment. He indicated that the Employer had called him to resume the job that he had held but that he was not interested in doing that because he had moved to X and had new employment. He stated that the sawyer whom the Employer had hired following after he left voluntarily had also left his employment and that that was why the Employer had called him to come back to his previous position while the Employer tried to find another employee, which it did in April 2015. He indicated that he did not want to leave his new employment as a plasterer for only a few days (Exhibits GD3-31 and GD3-38).

n) Maxime Cauchy-Charest, the Appellant's representative, argued that the Appellant had no reasonable alternative to leaving voluntarily in this case and that he had just cause under the Act.

o) He explained that the Appellant had worked as a sawyer for 20 years with a fixed work schedule and conditions respecting wages that were relatively stable. The representative argued that the Appellant felt pushed aside by his Employer when the latter gave a full-time sawyer position to another person to replace the Appellant and assign him to a position as a loader operator (Exhibit GD3-41).

p) He claimed that major changes had been made to the Appellant's working conditions and conditions respecting wages. He pointed out that, as a loader operator, since November or December 2014, the Appellant had experienced a significant reduction in pay, representing $4.00 per hour, or a decrease of 30%, and that he was subject to on-call work. He argued that the Appellant had also had to perform work consisting of stacking wood outside, work that was more physically demanding than he had performed before, and that he had to perform this work regularly and not for a period of four hours as the employer had stated (Exhibit GD3-40).

q) The representative stated that, given that the Appellant was approaching retirement and the Employer had indicated to him that his position would be changed because another worker had threatened to quit his employment if he did not obtain the full-time sawyer's position, the Appellant had no reasonable alternative but to leave his employment because he was unable to perform the work he had been asked to perform.

r) He stated that, based on the Appellant's statement, the Employer had indicated to him on his last day of work that if the work he was doing did not suit him he should go home.

s) He argued that, when the employer offered the Appellant the opportunity to return to work as a sawyer, it was because the person who had been newly hired in that capacity had decided to leave his employment and the offer made to the Appellant was only to assist the Employer for a period of two weeks. He claimed that, at that time, the Appellant had found another employment. He stated that it was not possible to cross-examine the Employer regarding the written statements it had provided to the Commission.

t) He argued that the Appellant had also worked in conditions that were a danger to his health and safety.

u) He claimed that, given the significant change in the Appellant's duties and his conditions respecting wages, as well as the working conditions dangerous to his health, the Appellant had no reasonable alternative to voluntarily leaving his employment. The representative argued that the decision concerning the Appellant was not founded in fact or in law (Exhibit GD2-2).

[16] The Commission made the following arguments and submissions:

a) Subsection 30(2) of the Act provides for an indefinite disqualification when the claimant leaves their employment voluntarily without just cause. The legal test to be applied, having regard to all the circumstances, is whether the claimant had no reasonable alternative to leaving (Exhibit GD4-4).

b) The Commission argued that the Appellant left his employment for personal reasons because he no longer wanted to work full-time and he wanted to move away from the region (Exhibits GD3-27, GD3-29, GD3-31 and GD3-41). It considered that there was no doubt that the Appellant's decision was to leave his employment because he no longer wanted to work full-time and that changing regions is considered a purely personal decision (Exhibits GD4-4 and GD4-5).

c) It indicated that the Employer had confirmed that the Appellant no longer wanted to work full-time, but only part-time. It pointed out that the employer was ready to make concessions to keep the Appellant in its employ (Exhibits GD3-30 and GD3-40). The Commission claimed that the Appellant voluntarily placed himself in a situation of unemployment by initiating the end to his employment. It stated that it understood very well that, on a personal level, wanting to reduce his hours of work and to change regions may be very commendable, but it was not just cause under the Act (Exhibit GD4-4).

d) It explained that the Appellant had indicated that he had left his employment for another employment, but that the Appellant did not have another employment at the time he left the employment he had (Exhibit GD3-26). It pointed out that the Appellant found his new employment upon his arrival in his new region. The Commission determined that the Appellant had no assurance of another employment at the time he left the employment he had (Exhibit GD4-4);

e) It considered that the Appellant did not have just cause to leave his employment on February 4, 2015 because he had not exhausted all reasonable alternatives before leaving that employment. It claimed that, based on all the evidence, a reasonable solution would have been for the Appellant to find a new full-time, permanent employment in the new town before leaving the employment he had in order to avoid voluntarily placing himself in a position of unemployment. It determined that, as a result, the Appellant had not proven that he had just cause to leave his employment under the Act (Exhibit GD4-4).

f) It concluded that the Appellant had not demonstrated that he had no reasonable alternative to leaving his employment (Exhibit GD4-5).

ANALYSIS

[17] In ***Rena Astronomo*** **(A-141-97)**, which confirmed the principle set out in ***Tanguay*** **(A-1458-84)** that a claimant who voluntarily leaves his employment has the burden to prove that he had no reasonable alternative to leaving his employment at that time, the Federal Court of Appeal (the "Court") provided the following reminder: "The test to be applied having regard to all the circumstances is whether, on the balance of probabilities, the claimant had no reasonable alternative to immediately leaving his or her employment.".

[18] This principle has been confirmed in other decisions of the Court **(*Peace*, 2004 FCA 56; *Landry*, A-1210-92)**.

[19] Moreover, the term "just cause", as used in subsections 29(c) and 30(1) of the Act, was interpreted by the Court in ***Tanguay v. UIC*** (**A-1458-84** (October 2, 1985); 68 N.R. 154) as follows:

> In the context in which they are used these words are not synonymous with "reasons" or "motive". An employee who has won a lottery or inherited a fortune may have an excellent reason for leaving his employment: he does not thereby have just cause within the meaning of s. 41(1). This subsection is an important provision in an Act which creates a system of insurance against unemployment, and its language must be interpreted in accordance with the duty that ordinarily applies to any insured, not to deliberately cause the risk to occur. To be more precise, I would say that an employee who has, voluntarily left his employment and has not found another has deliberately placed himself in a situation which enables him to compel third parties to pay him unemployment insurance benefits. He is only justified in acting in this way if, at the time he left, circumstances existed which excused him for thus taking the risk of causing others to bear the burden of his unemployment.

[20] The Court also confirmed that the claimant who voluntarily left his employment has the burden to prove that he had no reasonable alternative to leaving his employment at that time (***White*, 2011 FCA 190**).

[21] A claimant has just cause to leave his employment voluntarily if, having regard to all the circumstances, including those listed in subsection 29(c) of the Act, he had no reasonable alternative to leaving.

[22] In this case, the Tribunal considers that, having regard to all the circumstances, the Appellant's decision to leave his employment with the Employer, Scierie Tech Inc., cannot be considered his only reasonable alternative in the situation (***White*, 2011 FCA 190; *Rena Astronomo*, A-141-97; *Tanguay*, A-1458-84; *Peace*, 2004 FCA 56; *Landry*, A-1210-92**).

[23] A reasonable alternative would have been for the Appellant to continue to hold his employment with the Employer, Scierie Tech Inc., until he found another employment that better met his interests and expectations.

[24] The Tribunal finds contradictory the Appellant's statements regarding the new tasks he was assigned when he assumed his work duties as a loader operator.

[25] At the hearing, the Appellant stated that he had worked on several occasions stacking wood outside the mill and that it was the Employer that had stated that he had only performed this task once (Exhibit GD3-30). The evidence in the file shows that in a statement he made to the Commission on April 8, 2015, the Appellant indicated that he had stacked wood on only one occasion (Exhibit GD3-31).

[26] The Appellant also sated, at the hearing, that he had asked his employer to reduce his hours of work but not to change his employment or tasks. In an earlier statement, the Appellant indicated that his employer had "promised" him another employment (position) in December 2014, that he was thus transferred to the positon of loader operator and that he liked this type of work (Exhibit GD3-29).

[27] The Tribunal considers that such contradictions undermine the credibility of the Appellant's testimony.

Reasons invoked by the Appellant regarding changes to his work duties

[28] The Tribunal is of the view that the Appellant did not demonstrate that the changes made to his work duties by his employer can be considered just cause under the Act for his leaving voluntarily on February 4, 2015. The changes made to the Appellant's work duties were the result of his request to his employer to reduce his hours of work as his retirement approached.

[29] The Appellant had worked as a sawyer for more than 20 years. He could have continued to hold this employment. The Employer stated that if the Appellant had wanted to continue full-time in his position as sawyer, he had priority and it had not hired someone else as a sawyer to indicate to the Appellant to leave (Exhibit GD3-40).

[30] After informing his employer that he wanted to reduce his hours of work as his retirement approached, he was assigned, in December 2014, to a position as a loader operator. He performed that task for several weeks until he left voluntarily in February 2015.

[31] Despite the fact that he felt "pushed aside" by his employer when the latter assigned another person to hold the only sawyer position available in the company, the Appellant could have retained that full-time position before requesting a reduction in his hours of work. The Appellant acknowledged at the hearing that he could have kept his full-time employment as a sawyer before the new employee began this type of work.

[32] Even though he was unable to continue to work as a sawyer with a reduced number of hours as he wanted, the Appellant agreed to work as a loader operator with the working conditions and conditions respecting wages established by his employer. The Appellant also indicated that he liked performing this work (Exhibit GD3-29).

[33] The Employer explained that it was unable to offer the Appellant a position as a sawyer with fewer hours but it was able to do so with the loader operator position.

[34] The Tribunal does not accept the arguments made by the Appellant's representative that the Appellant had just cause to leave voluntarily because of a "significant modification of terms and conditions respecting wages or salary" and "significant changes in work duties" under paragraphs 29(c)(vii) and 29(c)(ix) of the Act.

Appellant's health problems

[35] The Appellant also argued that the task he had been assigned to work outside the mill stacking wood was very physically demanding and that he had to leave his employment for this reason (Exhibit GD3-38).

[36] However, the Tribunal considers that the health problems invoked by the Appellant and more specifically, the back pain that he said he experienced when stacking wood, are also not just cause for him to leave voluntarily under the Act.

[37] The Appellant did not provide any medical documentation to clarify or confirm the nature of the health problems he mentioned and to attest to his inability to perform the work requested. The Appellant indicated that, unfortunately, he had not consulted a physician in this regard.

[38] The Appellant's statement of April 8, 2015 and the Employer's statements also indicate that the Appellant performed work consisting of stacking wood on only one occasion, even though, at the hearing, the Appellant stated that he had performed this work a number of times.

[39] In this regard, the Appellant did not demonstrate that he had just cause to leave voluntarily because of the existence of "working conditions that constitute a danger to health or safety" as set out in paragraph 29(c)(iv) of the Act.

[40] In light of the Appellant's earlier statement that he had only stacked wood on one occasion, the Tribunal does not accept the Appellant's testimony regarding the circumstances he described on his last day of work to the effect that, after indicating to his employer that he was unable to perform this task because his back was sore, the Employer told him that if he was unable to do the work he should go home.

[41] The Tribunal considers that the Appellant did not demonstrate that his working conditions had become so intolerable that he had no alternative but to leave his employment.

Reasonable assurance of employment

[42] The Appellant also did not demonstrate that, prior to leaving voluntarily, he had "reasonable assurance of another employment in the immediate future", as stipulated in paragraph 29(c)(vi) of the Act.

[43] The Appellant stated that he left his employment voluntarily on February 4, 2015 and that at the time he left that employment, he did not have another employment. He stated that he

took action to obtain new employment about one week after leaving the employment he had with the Employer, Scierie Tech Inc.

[44] The Employer also indicated that the Appellant could have had his position as a sawyer back full-time because the person who had been hired to perform that work had left.

[45] The Appellant indicated that he was not interested in resuming that work after having moved because he would only be performing the work on a temporary basis, for a few weeks, while waiting for someone else to be hired full-time in the position.

[46] There is nothing in the Employer's statements to indicate that it wanted to hire the Appellant back but only on a temporary basis while it trained a new person. In a statement made on May 14, 2015, the Employer clarified that it was still looking for employees (Exhibit GD3-40).

Appellant's relocation

[47] To explain the fact that he left voluntarily, the Appellant also indicated that he had decided to move to X after accepting his new employment as a plasterer and to be closer to his new companion (Exhibit GD3-29).

[48] Under the Act, this situation is not just cause for his leaving voluntarily.

[49] Based on the above-mentioned case law, the Tribunal concludes that the Appellant did not demonstrate that he had no reasonable alternative to leaving his employment with the Employer, Scierie Tech Inc. The Appellant could have continued to hold the employment that he had with that employer while waiting to obtain another employment that met his expectations or his interests (***White*, 2011 FCA 190; *Rena Astronomo*, A-141-97; *Tanguay*, A-1458-84; *Peace*, 2004 FCA 56; *Landry*, A-1210-92**).

[50] The Tribunal concludes that, having regard to all the circumstances, the Appellant did not have just cause to leave his employment voluntarily under sections 29 and 30 of the Act.

[51] The appeal is without merit on the issue.

CONCLUSION

[52] The appeal is dismissed.

Normand Morin
Member, General Division – Employment Insurance Section