



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *C. B. v. Canada Employment Insurance Commission*, 2016 SSTADEI 434

Tribunal File Number: AD-16-1026

BETWEEN:

**C. B.**

Applicant

and

**Canada Employment Insurance Commission**

Respondent

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**SOCIAL SECURITY TRIBUNAL DECISION**  
**Appeal Division**

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Leave to Appeal Decision by: Pierre Lafontaine

Date of Decision: August 24, 2016

## **REASONS AND DECISION**

### **DECISION**

[1] The Tribunal refuses leave to appeal to the Appeal Division of the Social Security Tribunal.

### **INTRODUCTION**

[2] On July 8, 2016, the General Division of the Tribunal determined that the Applicant did not have just cause for voluntarily leaving her employment pursuant to sections 29 and 30 of the *Employment Insurance Act*.

[3] The Applicant requested leave to appeal to the Appeal Division on August 13, 2016 after receiving the General Division decision on July 16, 2016.

### **ISSUE**

[4] The Tribunal must decide if the appeal has a reasonable chance of success.

### **THE LAW**

[5] According to subsections 56(1) and 58(3) of the *Department of Employment and Social Development Act* (the “*DESD Act*”), “an appeal to the Appeal Division may only be brought if leave to appeal is granted” and “the Appeal Division must either grant or refuse leave to appeal”.

[6] Subsection 58(2) of the *DESD Act* provides that “leave to appeal is refused if the Appeal Division is satisfied that the appeal has no reasonable chance of success”.

### **ANALYSIS**

[7] Subsection 58(1) of the *DESD Act* states that the only grounds of appeal are the following:

- (a) The General Division failed to observe a principle of natural justice or otherwise acted beyond or refused to exercise its jurisdiction;
- (b) The General Division erred in law in making its decision, whether or not the error appears on the face of the record; or
- (c) The General Division based its decision on an erroneous finding of fact that it made in a perverse or capricious manner or without regard for the material before it.

[8] In regards to the application for permission to appeal, the Tribunal needs to be satisfied that the reasons for appeal fall within any of the above mentioned grounds of appeal and that at least one of the reasons has a reasonable chance of success, before leave can be granted.

[9] In support of her application for permission to appeal, the Applicant argues that the decision of the General Division is unfair. She believes that her decision to leave her employment had merits. She pleads that it was very hard for her to leave her employment in Manitoba to go back to PEI. She submits that she is an honest and hard worker. She confirms that she made the move to PEI to be closer to her family.

[10] Whether one had just cause to voluntarily leave an employment depends on whether she had no reasonable alternative to leaving having regard to all the circumstances including several specific circumstances enumerated in section 29 of the *Act*.

[11] The evidence before the General Division does not support that there was an obligation to care for a child or a member of the immediate family and that there was a necessity for the Applicant to provide care. The Applicant wanted to come back home and support her family through difficult times, which may have been a good personal choice but is not sufficient to establish just cause within the meaning of section 29 of the *Act*.

[12] A constant jurisprudence has long established that leaving one's employment for personal reasons not related to employment does not constitute just cause pursuant to the *Act*.

[13] For the above mentioned reasons and after reviewing the docket of appeal, the decision of the General Division and considering the arguments of the Applicant in support of her request for leave to appeal, the Tribunal finds that the appeal has no reasonable chance of success.

### **CONCLUSION**

[14] The Tribunal refuses leave to appeal to the Appeal Division of the Social Security Tribunal.

Pierre Lafontaine  
Member, Appeal Division