



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *MA v Canada Employment Insurance Commission*, 2019 SST 1729

Tribunal File Number: GE-19-2594

BETWEEN:

**M. A.**

Appellant

and

**Canada Employment Insurance Commission**

Respondent

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**SOCIAL SECURITY TRIBUNAL DECISION**  
**General Division – Employment Insurance Section**

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DECISION BY: Candace R. Salmon

DATE OF DECISION: August 15, 2019

## REASONS AND DECISION

[1] On July 30, 2018, the General Division Employment Insurance issued a decision in this file. The Appellant sought leave to appeal the decision. On May 9, 2019, the Appeal Division granted leave to appeal. On July 3, 2019, the Appeal Division issued a decision dismissing the Appellant's claim as it relates to availability, but allowing the appeal relative to voluntary leaving. The Appeal Division sent the question of voluntary leaving back to the General Division to make a determination. Thus, the issue before me is whether the Appellant voluntarily left his employment. The Respondent has the burden of proving that the Appellant voluntarily left his employment. If this is proven, the burden shifts to the Appellant to prove that he had just cause for voluntarily leaving.

[2] The Appellant submits that he had just cause for leaving his employment because his employer spat on him and generally treated him poorly. He also stated that he left to take another job. On August 8, 2019, the Respondent filed submissions in which they conceded the appeal stating that it appears the Appellant "not only had reasonable assurance of another employment in the immediate future before he quit his job...but in fact he was holding another job."

[3] The Tribunal has reviewed the evidence and submissions in the file and agrees with the Respondent that the appeal should be allowed. The evidence supports that the Appellant quit a full time seasonal position to go to another full time seasonal position.

[4] The Tribunal relies on paragraph 3(1)(b) of the *Social Security Tribunal Regulations* (Regulations) to render this decision on the record. The Tribunal finds that the Respondent's failure to use section 18 of the Regulations to enter an agreement with the Appellant is a special circumstance which justifies varying the requirement to hold a hearing and ensures the appeal is dealt with as informally and quickly as the circumstances, fairness and natural justice permit.

[5] The appeal is allowed.

Candace R. Salmon  
Member, General Division – Employment Insurance