



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *R. H. v Canada Employment Insurance Commission*, 2019 SST 1667

Tribunal File Number: GE-19-2959

BETWEEN:

R. H.

Appellant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Employment Insurance Section

DECISION BY: Christopher Pike

HEARD ON: September 3, 2019

DATE OF DECISION: September 4, 2019

DECISION

[1] The appeal is allowed. The Claimant has shown just cause because he has proven that he had no reasonable alternatives to leaving his job when he did. This means he is qualified to receive benefits.

OVERVIEW

[2] The Claimant left his employment to move in with his domestic partner, who lived in another town. He relocated because his partner's 12-year-old son needed a father figure to help him address drug and alcohol problems.

[3] The Commission decided that the Claimant's circumstances do not show just cause under the *Employment Insurance Act* for leaving his employment. The Commission upheld this decision on reconsideration. The Appellant appealed the decision to the Tribunal.

ISSUE

[4] I have to decide whether the Claimant is disqualified from being paid benefits because he voluntarily left his job without just cause. To do this, I first have to address the Claimant's voluntary leaving, then I have to decide whether the Claimant had just cause for leaving.

ANALYSIS

The parties do not dispute that the Claimant voluntarily left his job

[5] I accept that the Claimant voluntarily left his job. The Claimant agrees that he quit on March 29, 2019. I see no evidence to contradict this.

The parties dispute that the Claimant had just cause for voluntarily leaving his job

[6] The parties do not agree that the Claimant had just cause for voluntarily leaving his job when he did.

[7] The law disqualifies you from receiving benefits if you left your job voluntarily and you did not have just cause.¹ Having a good reason for leaving a job is not enough to prove just cause.

[8] The law says following your spouse to another residence is a circumstance to consider when determining you have just cause.² It also says you have to prove that you have just cause to leave by showing that, considering all of the circumstances, it is more likely than not that you had no reasonable alternatives to quitting your job when you did.³

[9] The Claimant says that he left his employment because his partner needed his help to address her son's substance abuse and skipping school. He says that he had no reasonable alternatives to leaving at that time because his partner needed help urgently and could not rely on anyone else to give it.

[10] The Commission says that because the Claimant and his partner had not lived together for a year, they were not common-law spouses. It decided that the Claimant did not have just cause, because he had reasonable alternatives to leaving when he did. Specifically, it says that the Claimant could have waited until he found a job in his partner's town before he moved there.

[11] The Claimant testified that he chose to move in with his partner when he did because her 12-year-old son had made some poor choices and she needed another adult in her household to help turn things around; specifically to ensure her son attended school and to keep him away from drugs and alcohol.

[12] The Claimant also testified that by the time he decided to move to his partner's town, they planned to marry and he was willing to take on parental obligations towards her three children. He also testified that the need for him to join his partner's household when he did was urgent because her son's situation was worsening. He says he could not wait to find a job in her town while her son got into more trouble. I agree.

¹ Section 30 of the *Employment Insurance Act* explains this.

² *Attorney General of Canada v. Kuntz*, A-1485-92 discusses this issue.

³ *Canada (Attorney General) v. White*, 2011 FCA 190, at paragraph 3, and section 29(c) of the *Employment Insurance Act* explain this.

[13] The Claimant's evidence shows that he had to respond to his partner's son's behavioural issues without delay. I accept that the urgent need for him to step in as a father figure to his partner's son so that he could address the behavioural issues shows that he had no reasonable alternative except to leave his employment.

CONCLUSION

[14] I find that the Claimant is qualified to receiving benefits. This means the appeal is allowed.

Christopher Pike
Member, General Division - Employment Insurance Section

HEARD ON:	September 3, 2019
METHOD OF PROCEEDING:	Teleconference
APPEARANCES:	R. H., Appellant