



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *A. M. v Canada Employment Insurance Commission*, 2019 SST 1005

Tribunal File Number: GE-19-2960

BETWEEN:

A. M.

Appellant (Claimant)

and

Canada Employment Insurance Commission

Respondent (Commission)

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Employment Insurance Section

DECISION BY: Solange Losier

HEARD ON: September 5, 2019

DATE OF DECISION: September 5, 2019

DECISION

[1] The appeal is dismissed. The Claimant has not shown just cause because he had no reasonable alternatives to leaving his job when he did. This means he is disqualified from receiving benefits.

OVERVIEW

[2] The Claimant left his job as a supervisor and applied for employment insurance (EI) benefits. The Commission looked at the Claimant's reasons for leaving and decided that he voluntarily left his employment without just cause, so it was unable to pay him benefits from April 28, 2019.

[3] I must decide whether the Claimant has proven that he had no reasonable alternatives for leaving his job. The Commission says that the Claimant did not have just cause to leave his employment because there were at least four other reasonable alternatives. The Claimant stated that he assumed he was going to be able to work from home.

ISSUE

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

ANALYSIS

There is no 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 April 26, 2019.

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

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

[7] The law says that you are disqualified 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 that you have just cause to leave if, considering all of the circumstances, you had no reasonable alternatives to quitting your job when you did.² It is up to the Claimant to prove this.³ The Claimant has to show that it is more likely than not that he had no reasonable alternatives but to leave when he did. When I decide this question, I have to look at all of the circumstances that existed at the time that the Claimant quit.

[9] The Claimant says that he left his employment because his condominium sold earlier than he expected so he moved to his investment property out of town and thought that he could continue working from home.

[10] The Claimant said that there was a change in his job title because he was the estimating manager and after an audit, he was now the estimating supervisor. However, he stated that his pay and job responsibilities remained the same.

[11] The Commission says 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 done the following:

- a) To remain employed and not sell his condominium
- b) To confirm with his employer if he was able to work from home before putting house on market or before resigning from his employment
- c) To requested a leave of absence to sort out his employment status
- d) To remain employed after his house sold and stay with his sister, until he could secure alternate employment in the new city

¹ This is set out at s 30 of the *Employment Insurance Act*.

² *Canada (Attorney General) v White*, 2011 FCA 190, at para 3, and s 29(c) of the *Employment Insurance Act*.

³ *Canada (Attorney General) v White*, 2011 FCA 190, at para 3.

[12] The Claimant does not dispute that the arguments made by the Commission were reasonable alternatives to leaving his employment. He agreed that he could have done all of the above.

[13] I find that the Claimant did not have just cause to leave his employment because there were at least four reasonable alternatives available to him. This was not disputed by the Claimant.

[14] The Claimant had a good relationship with the President of the company because they had worked together for over 30 years. He had no history of working from home and already knew that it was a concern for the employer. He was also aware that he could not continue in his supervisory role if he worked from home because he would not be at work to supervise his team. At a minimum, I find that the Claimant could have followed up with the President to find out whether he had been approved to work from home because that may have impacted his decision to move, or live with his sister which he had done on a previous occasion.

[15] The Claimant said he was not aware until 15 minutes before the end of his shift on his last day that he was not going to be able to work from home, however I was not persuaded by this because he had submitted a short resignation note to his employer confirming his last day of work.

[16] The Claimant agreed that he made no efforts to find other employment because he assumed that he was going to be permitted to work from home. The court has found that remaining employed until a new job is secured is generally a reasonable alternative to making a unilateral decision to quit a job.⁴

[17] I was not persuaded that the Claimant had just cause to leave his employment because his job title changed. There were no changes to his role, pay or responsibilities.

⁴ *Canada (Attorney General) v Graham*, 2011 FCA 311

CONCLUSION

[18] I find that the Claimant is disqualified from receiving benefits. This means that the appeal is dismissed.

SOLANGE LOSIER
Member, General Division - Employment Insurance Section

HEARD ON:	September 5, 2019
METHOD OF PROCEEDING:	Teleconference
APPEARANCES:	A. M., Appellant (Claimant)