



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *B. P. v Canada Employment Insurance Commission*, 2019 SST 1058

Tribunal File Number: GE-19-3053

BETWEEN:

B. P.

Appellant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Employment Insurance Section

DECISION BY: Christopher Pike

HEARD ON: September 12, 2019

DATE OF DECISION: September 18, 2019

DECISION

[1] The appeal is dismissed. The result is that the Claimant does not qualify for benefits because he has not proven that he had just cause for choosing to leave his job in Ontario. These reasons explain why.

OVERVIEW

[2] The Claimant moved from Newfoundland and Labrador to Ontario and boarded with relatives while he worked there. His relatives relocated and left him with no place to stay after May 31, 2019. The Claimant looked for a place to live, but could not find anything affordable.

[3] The Claimant returned to Newfoundland and Labrador in early June 2019. He found employment there in a fish plant in mid-July. Around the same time, a trade college accepted him for a welder's course which was scheduled to start in September 2019.

[4] The Canada Employment Insurance Commission (Commission) reviewed the Claimant's circumstances and decided that he did not have just cause for leaving his job in Ontario. The Commission upheld this decision on reconsideration. The Appellant appealed to the Tribunal.

ISSUE

[5] I have to decide if the Claimant had just cause under the *Employment Insurance Act* to leave his employment in Ontario. To do this, I first have to address his voluntary leaving, then I have to decide if he had just cause for leaving.

ANALYSIS

[6] Employment insurance pays benefits to claimants who involuntarily separate from their job and who are without work.¹ The law disqualifies a claimant from receiving benefits if they cannot show that they had just cause for choosing to leave their job.²

¹ *Canadian Pacific Ltd. v. Attorney General of Canada*, [1986] 1 S.C.R. 678 explains this principle.

² Section 30(1) of the *Employment Insurance Act* sets out this principle.

The Claimant voluntarily left his job

[7] I accept that the Claimant voluntarily left his job. The Claimant says he quit on May 31, 2019. I see no evidence to contradict this.

The Claimant did not have just cause for voluntarily leaving his job

[8] A claimant has to prove that they had just cause for leaving their employment by showing it is more likely than not that they had no reasonable alternative to leaving considering all of the circumstances.³ Having a good reason for leaving a job is not enough to prove just cause. 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 had no reasonable alternative but to quit his job and return to Newfoundland and Labrador when he could not find an affordable place to live in Ontario.

[10] The Commission says that the Claimant had the reasonable alternative of staying employed in Ontario until he found a job in Newfoundland and Labrador or until he found an affordable place to live in Ontario.

[11] The Claimant's employer sent a fax to the Commission on June 27, 2019, saying that the Claimant quit to return home and go to school. However, the Claimant testified that the Newfoundland and Labrador Department of Advanced Education and Skills did not refer him to his welder's course until mid-July 2019. He also testified that the trade school confirmed his enrollment for the September 2019 semester in August 2019. This evidence tells me that the Claimant did not know when he would start his welder's course when he decided to quit on May 31, 2019. This means I cannot consider his plan to go to school in September 2019 to decide if he had just cause for quitting because he did not know when his course would start by May 31, 2019.

[12] The Claimant testified that before he left Ontario he applied for jobs at several stores, a hospital, and a fish plant. He said he did not have a job offer before he quit on May 31, 2019. He

³ *Canada (Attorney General) v Imran*, 2008 FCA 17 explains this general requirement.

was offered a job at the fish plant in mid-July and worked there for the rest of the season. This evidence tells me that he did not have a job lined up at home before he quit his job in Ontario.

[13] The Claimant testified that he could not find anyone to share an apartment with him. He said that he knew of an apartment near his workplace that cost about \$1,000 a month. He said he paid \$250 every two weeks for his car, \$370 for insurance and gas for his car, and \$150 a week for food. This means his monthly expenses were \$2,470. He said he took home \$2,600 a month. He said this shows that he could not afford to live on his own and stay in Ontario. This evidence tells me that in May 2019 if he rented the \$1,000 a month apartment he found, he had just enough money coming to cover his monthly expenses.

[14] Considering the Claimant's circumstances, all of this evidence also tells me that even though it would be tight, he had the reasonable alternative of staying in Ontario until he found work at home.

[15] The Claimant told me about the financial difficulties he faces without employment insurance benefits. Employment insurance provides insurance against unemployment subject to certain qualifications, terms, and conditions, but financial need is not one of them. I therefore cannot consider his financial difficulties as a ground for allowing his appeal.

CONCLUSION

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

Christopher Pike

Member, General Division - Employment Insurance Section

HEARD ON:	September 12, 2019
METHOD OF PROCEEDING:	Teleconference

APPEARANCES:	B. P., Appellant
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