



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

[TRANSLATION]

Citation : *J. C. v Canada Employment Insurance Commission*, 2019 SST 1494

Tribunal File Number: GE-19-3094

BETWEEN:

J. C.

Appellant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Employment Insurance Section

DECISION BY: Josée Langlois

HEARD ON: September 26, 2019

DATE OF DECISION: September 27, 2019

DECISION

[1] The appeal is dismissed. I find that the Appellant did not have just cause for voluntarily leaving his employment.

OVERVIEW

[2] The Appellant worked for X in western Canada from May 29, 2018, to June 21, 2018. He returned home to New Brunswick to vacation with his children, but the cost of the plane ticket to return to the work site was too high, and he left his employment. On August 1, 2019, the Canada Employment Insurance Commission (Commission) refused the Appellant's claim because it found that leaving his employment was not the only reasonable alternative in this case. I must determine whether the Appellant had just cause for leaving his employment on June 21, 2018.

ISSUES

[3] Did the Appellant voluntarily leave his employment?

[4] If so, did the Appellant have no reasonable alternative to leaving his employment?

ANALYSIS

Did the Appellant voluntarily leave his employment?

[5] The Appellant admits that he voluntarily left his employment because the cost of the plane ticket to return to work in western Canada was too high, and he looked for employment in New Brunswick.

[6] I find that the Appellant left his employment voluntarily on June 21, 2018. He must show that he had just cause for leaving his employment at that time.¹

¹ *Green*, 2012 FCA 313; *White*, 2011 FCA 190; *Patel*, 2010 FCA 95.

Did the Appellant have no reasonable alternative to leaving his employment?

[7] The employer told the Commission that the Appellant asked for vacation time to return to New Brunswick, near his children. There were no plans for the employer to pay for the plane ticket. The employer explained that the Appellant did not return to work on June 21, 2018.

[8] The Commission argues that the Appellant did not have just cause for voluntarily leaving his employment. It states that the Appellant requested personal vacation time to return to New Brunswick and that he did not plan to buy a round-trip plane ticket. The Commission suggests that a reasonable alternative would have been to plan for a round-trip plane ticket or to find an employment in New Brunswick before leaving the employment he had.

[9] The Appellant explained that he had already been living in western Canada for a few months when he obtained the employment with X. For that reason, there was no plan for the employer to pay the travel costs of the Appellant, who is from New Brunswick.

[10] The Appellant asked for a vacation to return to New Brunswick to be near his family. He wanted to spend more time with his children. However, the cost of the plane ticket was too high for him to make the return trip. He decided to leave his employment in western Canada to find employment in New Brunswick.

[11] The Appellant informed the employer when he was hired that he had to return to New Brunswick. He knew at that time that he would not go back out west given the cost of travel. He bought a one-way ticket to return to New Brunswick, and he did not intend to return to work in Western Canada.

[12] The Appellant also testified that he had received an offer of employment to work for X in New Brunswick, but that it did not work out. Apparently, the Appellant had contacted that employer, which told him that it was waiting for a contract and that it would call him back when he was back in New Brunswick. However, that contract did not materialize, and the Appellant did not obtain the employment.

[13] The Appellant explained that he wanted to find employment in New Brunswick and that he made several efforts to find employment when he returned.

[14] However, the facts show that the Appellant chose to return to New Brunswick because he wanted to be closer to his family at that time. He left his employment in western Canada to be closer to his family. That is a personal choice.

[15] The Appellant certainly had the desire to find other employment, and he made certain efforts. However, he had not had assurance of another employment in the immediate future when he left his employment with X. He hoped to obtain employment with X, but that possibility did not materialize.

[16] I understand that the Appellant needed to be closer to his family and his children in particular. However, to be able to receive benefits, the Appellant has a responsibility to not create a situation of unemployment.

[17] By leaving his employment on June 21, 2018, the Appellant made a personal choice, and I find that he did not have just cause for voluntarily leaving his employment because it was not the only reasonable alternative in this case.

CONCLUSION

[18] The appeal is dismissed.

Josée Langlois
Member, General Division – Employment Insurance Section

HEARD ON:	September 27, 2019
METHOD OF PROCEEDING:	Teleconference
APPEARANCE:	J. C., Appellant