



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *J. A. v Canada Employment Insurance Commission*, 2019 SST 1014

Tribunal File Number: GE-19-3066

BETWEEN:

**J. 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: Solange Losier

HEARD ON: September 20, 2019

DATE OF DECISION: September 30, 2019

## **DECISION**

[1] The appeal is dismissed. The Claimant has not shown just cause because she had reasonable alternatives to leaving her job when she did. This means she is disqualified from receiving benefits.

## **OVERVIEW**

[2] The Claimant left her job at Walmart and applied for employment insurance benefits. The Commission looked at the Claimant's reasons for leaving and decided that she voluntarily left her employment without just cause, so it was unable to pay her benefits.

[3] I must decide whether the Claimant has proven that she had no reasonable alternatives for leaving her job. The Commission says that the Claimant could have made modifications to her work schedule, instead of placing herself in an unemployment situation and/or secured alternate employment for a more compatible schedule. The Claimant disagrees and states that she quit her employment because it was interfering with her school.

## **ISSUE**

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

## **ANALYSIS**

### **There is no dispute that the Claimant voluntarily left her job**

[5] I accept that the Claimant voluntarily left her job. The Claimant agrees that she quit on May 9, 2019. This is supported by her application for benefits and the record of employment which identifies that she quit (GD3-8).

### **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 her job when she 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.<sup>1</sup> 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.<sup>2</sup> It is up to the Claimant to prove this.<sup>3</sup> The Claimant has to show that it is more likely than not that she had no reasonable alternatives but to leave when she 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 she left her employment at Walmart because she started school in early May. She worked a few shifts when school started, but found it too difficult to balance both.

[10] The Claimant signed up for 6 courses, which is considered a full-time case load. Even though her courses were distance based learning and did not require class attendance, she estimated spending around 60 hours a week on her courses, or around 9 hours a day.

[11] The Claimant said that her coursework was interfering with her working hours because she often had to work evenings, weekends and shifts up-to eight hours. She was generally expected to work for employer around 20-30 hours a week.

[12] The Claimant said that she did speak to her manager about a reduction of hours in April, but was told that it would be difficult to manage because they only had a few workers.

[13] The Claimant tried to find work before quitting, but only wanted to work around 10-15 hours a week. She applied to four other places. She noted that even if she had secured other employment with the reduced hours, she would not have had enough time to complete her coursework.

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<sup>1</sup> This is set out at s 30 of the *Employment Insurance Act*.

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

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

[14] The Commission says that the Claimant did not have just cause, because she had reasonable alternatives to leaving when she did. Specifically, it says that the Claimant could have made modifications to her work schedule, instead of placing herself in an unemployment situation and/or secured alternate employment for a more compatible schedule.

[15] I agree with the Commission. I find that the Claimant did not have just cause to leave her employment for school. She made a personal decision to take a full time course load. This is her priority because she wants to pursue other career opportunities in accounting.

[16] The court has considered this issue before and decided that voluntarily leaving your employment to attend a course of instruction that is not authorized by the Commission does not constitute just cause within the meaning of the Act.<sup>4</sup> In another case, it was not just cause where a claimant quit their employment to pursue school.<sup>5</sup>

[17] I was not persuaded that the Claimant had a history of working and attending school, or any exceptional circumstances. While there were some periods that she did previously attend school and work, it was not consistent or demonstrated over an extended period of time.

[18] I find that there were two other reasonable alternatives to leaving her employment.

[19] The Claimant spoke to her employer about a reduction of hours sometime in April, she only worked a few shifts in May when her coursework started. However, she could have remained employed and attempted to manage work and school. I note that her employer did not deny her request to reduce her hours, but said that it would be difficult. She also had full flexibility with her coursework because it was distance based learning, therefore I find that she could have spoken to her employer after her coursework started to determine how many hours she could work and if the employer could accommodate her request, or alternately complete her coursework around her working schedule.

[20] The Claimant said that she tried finding employment prior to quitting by applying to four places. However, she also stated that even if she found employment offering 10-15 hours a week, it would have been too difficult to manage with her coursework. I find that the Claimant could

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<sup>4</sup> *Canada (Attorney General) v Trochimchuk*, 2011 FCA 268.

<sup>5</sup> *Lakic v Canada (Attorney General)*, 2013 FCA 4

have secured alternate employment before quitting her job and the court has also decided that remaining in employment until a new job is secured is generally a reasonable alternative to taking a unilateral decision to quit a job.<sup>6</sup>

[21] I accept that the Claimant has a sincere desire to improve her career opportunities by working on a degree program. However, claimants cannot expect others contributors to the employment insurance fund to bear the cost for those who decide to go back to school to further their education, start a business, or simply wish to earn more money.<sup>7</sup>

### CONCLUSION

[22] 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

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| HEARD ON:             | September 20, 2019 |
| METHOD OF PROCEEDING: | Videoconference    |
| APPEARANCES:          | J. A., Appellant   |

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<sup>6</sup> *Canada (Attorney General) v Graham*, 2011 FCA 311

<sup>7</sup> *Canada (Attorney General) v Martel*, A-1691-92