



Citation: *JD v Canada Employment Insurance Commission*, 2022 SST 130

**Social Security Tribunal of Canada  
General Division – Employment Insurance Section**

**Decision**

**Appellant:** J. D.

**Respondent:** Canada Employment Insurance Commission

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**Decision under appeal:** Canada Employment Insurance Commission reconsideration decision (441366) dated December 13, 2021 (issued by Service Canada)

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**Tribunal member:** Angela Ryan Bourgeois

**Type of hearing:** Teleconference

**Hearing date:** February 14, 2022

**Hearing participant:** Appellant

**Decision date:** February 14, 2022

**File number:** GE-22-37

## Decision

[1] The appeal is dismissed. The Tribunal disagrees with the Claimant.

[2] The Claimant hasn't shown just cause (in other words, a reason the law accepts) for leaving her job when she did. The Claimant didn't have just cause because she had reasonable alternatives to leaving. This means she is disqualified from receiving Employment Insurance (EI) benefits.

## Overview

[3] The Claimant started a two-year practical nursing course in September 2020. During her first year, the program was online. So she didn't have to move to attend in person classes.

[4] She started her second year in September 2021. This year, the program is not online. She has to attend class in person. The college is not within commuting distance from the Claimant's home. She had to move to attend classes. So she left her job as a patient care attendant and moved closer to the college.

[5] She applied for EI benefits.

[6] The Canada Employment Insurance Commission (Commission) decided that she voluntarily left (or chose to quit) her job without just cause. That meant it couldn't pay her EI benefits.

[7] I have to decide whether the Claimant has proven that she had no reasonable alternative to leaving her job.

[8] The Commission says that the Claimant could have applied for a referral for her course.<sup>1</sup>

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<sup>1</sup> The referral would be from an authority designated by the Commission, such as the New Brunswick Employment Insurance (NB-EI) Connect Program.

[9] The Claimant says that she had to quit her job to relocate so she could complete her course. She states that she has since applied for a referral.

## **Issue**

[10] I have to decide whether the Claimant is disqualified from receiving EI benefits because she voluntarily left her job without just cause.

[11] First I'll look at whether the Claimant voluntarily left her job. Then, I'll look at whether she had just cause for leaving.

## **Analysis**

### **Voluntarily leaving**

#### **– The parties agree that the Claimant quit her job**

[12] I accept that the Claimant voluntarily left her job. The Claimant says that she quit her job on September 6, 2021. The Commission agrees. I see no persuasive evidence to contradict this.<sup>2</sup>

### **Just cause**

#### **– What it means to have just cause**

[13] The parties don't agree that the Claimant had just cause for voluntarily leaving her job when she did.

[14] The law says that you are disqualified from receiving benefits if you left your job voluntarily and you didn't have just cause.<sup>3</sup> Having a good reason for leaving a job isn't enough to prove just cause.

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<sup>2</sup> The Claimant indicated a return to work date on her application form. See page GD3-6. This made me wonder if she took a leave of absence rather than quit. But, at the hearing, she confirmed that she quit.

<sup>3</sup> Section 30 of the *Employment Insurance Act* (Act) sets out this rule.

[15] The law explains what it means by “just cause.” The law says that you have just cause to leave if you had no reasonable alternative to quitting your job when you did. It says that you have to consider all the circumstances.<sup>4</sup>

[16] It is up to the Claimant to prove that she had just cause.<sup>5</sup> She has to prove this on a balance of probabilities. This means that she has to show that it is more likely than not that her only reasonable option was to quit. When I decide whether the Claimant had just cause, I have to look at all of the circumstances that existed when the Claimant quit.

– **Why the Claimant left her job**

[17] The Claimant left her job to attend her course. This is what she said on her application form, what she told the Commission, and what she said at the hearing. She testified that the *only* reason she left her job was to finish her course.

– **Referral to take a course**

[18] Sometimes, the Commission (or a program the Commission authorizes, like the NB-EI Connect program) refers people to take a course. One of the circumstances I have to consider is whether the Claimant had such a referral when she decided to leave her job.

[19] Case law says:

- If you quit your job to go to school without a referral, you don’t have just cause for leaving your job.<sup>6</sup>
- If you choose to go to school without a referral, your choice goes against the idea behind the EI plan.<sup>7</sup>

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<sup>4</sup> See *Canada (Attorney General) v White*, 2011 FCA 190; and section 29(c) of the Act.

<sup>5</sup> See *Canada (Attorney General) v White*, 2011 FCA 190.

<sup>6</sup> See *Canada (Attorney General) v Caron*, 2007 FCA 204.

<sup>7</sup> See *Canada (Attorney General) v Beaulieu*, 2008 FCA 133.

– **The Claimant applied for a referral**

[20] When the Claimant applied for a referral, and when the referral was approved is important. This is because the only circumstances I can consider are those that existed at a specific point in time—when the Claimant left her job (September 6, 2021).

[21] Applying the case law, if the Claimant didn't have a referral when she decided to leave, she wouldn't have just cause for leaving.

– **The Claimant didn't have a referral when she left her job**

[22] I find the Claimant wasn't referred for her course before she quit. This is why:

- The Claimant left her job on September 6, 2021.
- The Claimant applied for a referral with the NB-EI Connect program on September 20, 2021. Her referral was approved on September 30, 2021.<sup>8</sup>
- At the hearing, the Claimant stated that she didn't apply for a referral before she quit.

[23] Since she didn't have a referral before she quit her job, the case law applies. This means she didn't have just cause for leaving her job.

– **Reasonable alternatives**

[24] The Commission says the Claimant had at least one reasonable alternative to quitting. It says she could have gotten the referral before she quit.<sup>9</sup>

[25] The Claimant says that:

- She had to leave her job to relocate to complete her course.<sup>10</sup>
- She didn't know about the referral program until after she started her course.

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<sup>8</sup> Page GD3-32.

<sup>9</sup> The Commission suggested other reasonable alternatives on page GD4-3. .

<sup>10</sup> The college is more than a 90-minute drive from where the Claimant used to live.

- She did what her work supervisor told her to do (quit and apply for EI benefits).
- She wishes there was more guidance for first time EI applicants like her.

[26] I find that the Claimant had reasonable alternatives to quitting to return to school.

[27] First, the Claimant has not shown that continuing to work was not a reasonable alternative. This is because the only circumstance relating to her decision to quit was wanting to complete her course. I understand that the Claimant had good reasons for leaving her job to go to school. But it was a personal choice. Quitting for school (whether moving is necessary or not) isn't just cause for leaving a job.<sup>11</sup>

[28] Secondly, the Claimant could have done more to find out about the EI program she planned to rely on before she quit her job. Getting a referral before she quit might not have been a reasonable alternative because she didn't know about referrals. But it wasn't enough only to talk to her work supervisor and friends in her course. A reasonable alternative to leaving would have been to contact Service Canada or looked at the EI website to get more information about qualifying for EI benefits before she decided to quit.

## **Conclusion**

[29] The Claimant didn't have just cause to voluntarily leave her job. This means that she is disqualified from receiving EI benefits.

[30] The appeal is dismissed.

Angela Ryan Bourgeois  
Member, General Division – Employment Insurance Section

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<sup>11</sup> See *Canada (Attorney General) v Beaulieu*, 2008 FCA 133.