



Citation: *MF v Canada Employment Insurance Commission*, 2021 SST 943

Social Security Tribunal of Canada
General Division – Employment Insurance Section

Decision

Appellant: M. F.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission
reconsideration decision (438556) dated November 3,
2021 (issued by Service Canada)

Tribunal member: Raelene R. Thomas

Type of hearing: Teleconference

Hearing date: December 3, 2021

Hearing participant: Appellant

Decision date: December 29, 2021

File number: GE-21-2123

Decision

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

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

Overview

[3] The Claimant left her job to participate in two weeks of full-time training for a sports team prior to attending university full-time. She then applied for EI benefits. The Canada Employment Insurance Commission (Commission) decided that she voluntarily left (or chose to quit) her job without just cause, so it wasn't able to pay her benefits.

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

[5] The Commission says that the Claimant could have remained employed and reached out to the Commission to ask about being referred to training and to seek authorization to leave her job.

[6] The Claimant disagrees and states that when she called Service Canada about starting a new claim in October 2021 she was not told about being referred for training. She was not aware she needed to be referred to training before she stopped working.

Matter I have to consider first

I accept the document sent in after the hearing

[7] At the hearing, the Claimant testified that she had been referred to school. I asked the Claimant to send me a copy of the notice she received about the referral to training. The Claimant provided a copy of an email from her province's referring authority. I have admitted the email into evidence because the information in the email is relevant to the issue of when the Claimant was approved for training.

[8] The Commission was provided with a copy of the email. At date of writing the Commission has not made any submissions on the email.

Issue

[9] Is the Claimant disqualified from receiving EI benefits because she voluntarily left her job without just cause?

[10] To answer this, I first have to address the Claimant's voluntary leaving. I then have to decide whether the Claimant had just cause for leaving.

Analysis

The parties agree that the Claimant voluntarily left

[11] I accept that the Claimant voluntarily left her job. The Claimant agrees that she stopped working on August 21, 2021 to attend two weeks of full time sports training prior to attending university full-time. I see no evidence to contradict this.

What it means to have just cause

[12] The parties, that is the Claimant and the Commission, don't agree that the Claimant had just cause for voluntarily leaving her job when she did.

[13] The law says that you are disqualified from receiving benefits if you left your job voluntarily and you didn't have just cause.¹ Having a good reason for leaving a job isn't enough to prove just cause.

[14] 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.²

[15] It is up to the Claimant to prove that she had just cause.³ She has to prove this on a balance of probabilities. This means that she has to show that it is more likely than

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

² See *Canada (Attorney General) v White*, 2011 FCA 190; and section 29(c) of the Act.

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

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.

Referral to take training

[16] Sometimes, the Commission (or a provincial government program the Commission authorizes) refers people to take training, a program, or a course. One of the circumstances I have to consider is whether the Commission referred the Claimant to take her training.

– When was the Claimant referred to school

[17] Case law clearly says that, if you quit your job to go to school without a referral, you don't have just cause for leaving your job.⁴

[18] The parties agree that the Claimant got a referral to go to go to school. But, I need to consider when the Claimant got the referral.

[19] This is important because just cause has to exist when the Claimant left her job. Case law says that, if you choose to go to school without a referral, your choice goes against the idea behind the EI plan.⁵ So, if the Claimant got a referral before she left her job, then the case law doesn't apply. But, if she didn't have a referral and decided to leave anyway, then that part of the case law does apply. In that case, the Claimant wouldn't have just cause for leaving.

[20] The Claimant stopped working on August 21, 2021. She says that she did not have a referral to school before she left her job. She was receiving EI from a claim that started in October 2020. That claim was about to expire so she got in touch with Service Canada about starting a new claim. The Claimant said she was not told about being referred to training. She applied to start a new EI claim on October 8, 2021. She was denied benefits on October 20, 2021.

⁴ See *Canada (Attorney General) v Caron*, 2007 FCA 204.

⁵ See *Canada (Attorney General) v Beaulieu*, 2008 FCA 133.

[21] The Claimant testified that she visited a Service Canada office on October 21, 2021. It was during that visit she found out about being referred to training. The Claimant applied to her provincial government for a referral and was approved for training on October 21, 2021. As a result, I find that the Claimant was not referred to her training prior to quitting her job.

Reasonable alternatives to leaving employment

[22] The Commission says that the Claimant could have remained working and before she left her job reached out to it or a provincial authority to apply for a referral to training. It also says she could have sought authorization⁶ to leave her job before she stopped working.

[23] A person can have more than one reason for leaving a job. The Claimant said that her employer hired her with the understanding that she would be returning to school full-time at the end of the summer. She said that she could not work while she was attending two weeks of full-time sports training prior to attending university full-time. This evidence tells me that the Claimant made a personal choice to stop working.

[24] I understand that the Claimant may have good reasons for choosing to leave her job to attend the sports training camp or go to university. However, I think the Claimant could have remained working instead of going to school or could have sought a referral prior to training. In my opinion, this means the Claimant had a reasonable alternative to leaving her job. As a result, having regard to the circumstances that existed at the time she left her job I find that, on a balance of probabilities, the Claimant's decision to leave her job to attend two weeks of sports training and to go to school isn't just cause for leaving.⁷

⁶ Being "authorized to quit" is just the Commission's practice. It is not the law. And, I have to apply the law. In other words, having just cause to quit doesn't depend on having a letter or authorization saying you can quit to start training. Instead, I have to look at all of the circumstances and decide whether the Claimant had no reasonable alternative to leaving when she did

⁷ See *Canada (Attorney General) v Beaulieu*, 2008 FCA 133.

Conclusion

[25] I find that the Claimant is disqualified from receiving EI benefits.

[26] This means the appeal is dismissed.

Raelene R. Thomas
Member, General Division – Employment Insurance Section