



Citation: *CF v Canada Employment Insurance Commission*, 2022 SST 443

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

Decision

Appellant: C .F.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission reconsideration decision (448063) dated January 6, 2022 (issued by Service Canada)

Tribunal member: Catherine Shaw

Type of hearing: Teleconference

Hearing date: March 23, 2022

Hearing participant: Appellant

Decision date: March 23, 2022

File number: GE-22-378

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 his job when he did. The Claimant didn't have just cause because he had reasonable alternatives to leaving. This means he is disqualified from receiving Employment Insurance (EI) benefits.

Overview

[3] The Claimant left his job to go to school and applied for EI benefits. The Canada Employment Insurance Commission (Commission) decided that he voluntarily left (or chose to quit) his job without just cause, so it wasn't able to pay him benefits.

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

[5] The Commission says that the Claimant could have continued working in his job rather than making a personal decision to attend school.

[6] The Claimant disagrees and states that he couldn't continue working because his shifts would have conflicted with his school schedule.

Issue

[7] Is the Claimant disqualified from receiving EI benefits because he voluntarily left his job without just cause?

[8] 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 Claimant voluntarily left his employment

[9] To decide if the Claimant voluntarily left his job, I have to look at whether he had a choice to stay or leave the job at the time he stopped working.¹

[10] The Claimant worked at a moving company. He says that he had an agreement with the employer that he would work until September 2021. The employer knew that the Claimant was going to return to school at that time.

[11] The Commission says the Claimant could have continued working if he had not left to attend school. The Claimant agrees that he could have continued working past August 27, 2021, if he wasn't going to school.

[12] There's no dispute that the Claimant could have remained working in his job if he had not returned to school in September 2021. I accept that the Claimant told the employer that he would be returning to school at the end of the summer. Regardless of whether the employer agreed to the Claimant's intention to end his employment at that time, the evidence supports that the Claimant could have stayed in his job if he had not made the decision to leave. So, I find the Claimant voluntarily left his employment.

What it means to have just cause

[13] The parties don't agree that the Claimant had just cause for voluntarily leaving his job when he 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.² Having a good reason for leaving a job isn't enough to prove just cause.

¹ See *Canada (Attorney General) v Peace*, 2004 FCA 56.

² 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.³

[16] It is up to the Claimant to prove that he had just cause.⁴ He has to prove this on a balance of probabilities. This means that he has to show that it is more likely than not that his 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.

The circumstances that existed when the Claimant quit

[17] The Claimant said that he left his job because he was starting a full-time school program. He had to attend classes from 8:30 AM to 4:00 PM on weekdays, so he couldn't have continued working in his job once his program started.

[18] The Commission says that the Claimant didn't have just cause because he had reasonable alternatives to leaving when he did. Specifically, it says that the Claimant could have stayed in his job, or gotten approval to attend his course by an authorized government official before he quit.

[19] Sometimes, the Commission (or a 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 his course.

[20] The Claimant applied for a referral to his school program through the provincial government after October 2021. He didn't know about the referral program before that.

[21] The timing of the Claimant's referral is important because the question of just cause depends on a specific point in time—when the Claimant left his job. I can only consider circumstances that existed at the time the Claimant voluntarily left his job when deciding whether he had just cause to leave.⁵

³ See *Canada (Attorney General) v White*, 2011 FCA 190; and section 29(c) of the Act.

⁴ See *Canada (Attorney General) v White*, 2011 FCA 190.

⁵ See *Canada (Attorney General) v Lamonde*, 2006 FCA 44 at para 8.

[22] In the Claimant's case, he was not referred to his school program at the time he quit. He didn't know about the program until later in the year, after October 2021. Since the Claimant wasn't referred to his school program at the time he quit, I can't consider it as part of this decision.

[23] Case law clearly says that, if you quit your job just to go to school without a referral, you don't have just cause for leaving your job.⁶ Both parties agree that the Claimant didn't have a referral to school at the time that he left his job, so this case law applies to him.

[24] I understand that the Claimant felt he had no choice but to leave his job because he was starting school. But, I find the Claimant's choice to go to school does not mean he had just cause to voluntarily leave her employment. This is because he had reasonable alternatives to leaving his job when he did.

[25] The Claimant had the reasonable alternative to stay in his job. I understand that the Claimant may have good reasons for choosing to leave his job to go to school. But, this is a personal choice, and it goes against the idea behind the EI plan.⁷

[26] The Claimant did not have just cause to leave his employment. This means he is disqualified from receiving EI benefits.

Conclusion

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

[28] This means the appeal is dismissed.

Catherine Shaw

Member, General Division – Employment Insurance Section

⁶ See *Canada (Attorney General) v Caron*, 2007 FCA 204.

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