



[TRANSLATION]

Citation: *JT v Canada Employment Insurance Commission*, 2022 SST 796

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

Decision

Appellant: J. T.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission reconsideration decision (447730) dated January 5, 2022 (issued by Service Canada)

Tribunal member: Charline Bourque

Type of hearing: Teleconference

Hearing date: March 22, 2022

Hearing participant: Appellant

Decision date: March 23, 2022

File number: GE-22-471

Decision

[1] The appeal is dismissed.

[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 left her management position on June 4, 2021, and applied for EI benefits. The Canada Employment Insurance Commission (Commission) looked at the Claimant's reasons for leaving. It 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 stayed on while looking for another job that was more suitable for her, leaving only when she had reasonable assurance of another job starting in the immediate future. The Commission also says that the Claimant contradicted herself, initially saying she left her job to retire, only to later say that she left her job to get a full-time job.

[6] The Claimant disagrees and says that she wanted to stop working for her employer—who offered her part-time work—to be able to find a full-time job. She also says that the situation was stressful at work, where the impacts of the pandemic were being felt, and she didn't know whether the employer would stay open. She needed an income, so she wanted to work full-time. She says she has made many efforts to find another job but hasn't been able to find one.

Issue

[7] Is the Claimant disqualified from receiving benefits because she voluntarily left her 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 parties agree that the Claimant voluntarily left

[9] I accept that the Claimant voluntarily left her job. The Claimant agrees that she quit on June 4, 2021.¹ She submitted a letter of resignation to her employer on May 14, 2021.²

The parties don't agree that the Claimant had just cause

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

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

[12] 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.⁴

[13] It is up to the Claimant to prove that she had just cause.⁵ 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

¹ The employer's Record of Employment indicates June 4, 2021, as the last day worked (GD3-12).

² See the letter of resignation dated May 14, 2021 (GD3-49).

³ Section 30 of the *Employment Insurance Act* (Act) explains this.

⁴ See *Canada (Attorney General) v White*, 2011 FCA 190 at para 3; and section 29(c) of the Act.

⁵ See *Canada (Attorney General) v White*, 2011 FCA 190 at para 3.

had just cause, I have to look at all of the circumstances that existed when the Claimant quit.

[14] The Claimant says that she left her job because she wanted to “retire” from her employer to focus on looking for a full-time job. She says that her employer offered her only part-time work, but she wanted a full-time job and didn’t know whether, given its very nature, her employer would get through the impacts of the pandemic. She says that the situation caused her a lot of uncertainty and stress.

[15] The Claimant says that she had no reasonable alternative to leaving at that time because she could focus on her job search, especially since she thought she would be able to find a new job quickly because of her extensive work experience. Unfortunately, being in the X, where jobs depend mainly on fishing and tourism, she hasn’t been able to find a job, despite her many efforts.

[16] The Commission says that the Claimant didn’t have just cause, because she had reasonable alternatives to leaving when she did. Specifically, it says that the Claimant could have stayed on while looking for another job that was more suitable for her, leaving her job only when she had reasonable assurance of another job starting in the immediate future. The Commission also says that the Claimant had an active EI claim when she voluntarily left. So, there was nothing preventing her from staying on, claiming benefits as she had done for those weeks when the employer had no work for her, and looking for another job that was more suitable for her. She made the personal choice to leave her sole employer without assurance of another job, which meant asking all EI contributors to bear the burden of her decision.

[17] I understand that the Claimant has made many efforts to find a new job. But the issue before me remains whether she had no reasonable alternative to leaving her job.

[18] I don’t believe that was the case. I agree with the Commission that there was nothing preventing the Claimant from staying on and continuing to work for her employer while looking for another job.

[19] The purpose of the *Employment Insurance Act* (Act) is to compensate workers who are involuntarily unemployed.⁶ This means that, to get EI benefits, a claimant can't provoke the risk of unemployment.⁷ So, the Claimant voluntarily placed herself in a situation where she would be forcing contributors to pay her benefits. This situation is in direct conflict with the purpose of the Act.

[20] While I appreciate the Claimant's motivation to improve her situation by finding a full-time job instead of a part-time job, wanting to improve your financial situation is good cause, but it isn't just cause for leaving your job.⁸

[21] I find that the Claimant hasn't shown that she had no reasonable alternative to voluntarily leaving. Among other things, she could have stayed on until she found another job that was full-time. So, I am of the view that she didn't have just cause for voluntarily leaving within the meaning of the Act.

Conclusion

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

[23] This means that the appeal is dismissed.

Charline Bourque
Member, General Division – Employment Insurance Section

⁶ See *Canada Employment and Immigration commission v Gagnon*, [1988] 2 SCR 29.

⁷ See *Attorney General of Canada v Langlois*, 2008 FCA 18.

⁸ See *Attorney General of Canada v Martel*, A-1691-92; and *Attorney General of Canada v Graham*, 2011 FCA 311.