



Citation: *JR v Canada Employment Insurance Commission*, 2022 SST 1453

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

## **Decision**

**Appellant:** J. R.

**Respondent:** Canada Employment Insurance Commission

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**Decision under appeal:** Canada Employment Insurance Commission reconsideration decision (520775) dated July 13, 2022 (issued by Service Canada)

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**Tribunal member:** Susan Stapleton

**Type of hearing:** Videoconference

**Hearing date:** October 13, 2022

**Hearing participant:** Appellant

**Decision date:** October 14, 2022

**File number:** GE-22-2601

## 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 worked taking phone calls from customers who required roadside assistance. He was hired in November, 2020 and was a permanent employee. He left his job on December 7, 2021 and applied for EI benefits. The Canada Employment Insurance Commission (Commission) looked at the Claimant's reasons for leaving. It 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 must 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 talked to his employer about any issues he was having, consulted a doctor, requested a leave, or secured other work before quitting.

[6] The Claimant disagrees and states that he could not do his job any longer due to mental health issues.

## Issue

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

[8] To answer this, I must first 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 his job. The Claimant agrees that he quit on December 7, 2021. I see no evidence to contradict this.

### **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 his job when he 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.<sup>1</sup> 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.<sup>2</sup>

[13] It is up to the Claimant to prove that he had just cause.<sup>3</sup> 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 he quit.

### **The circumstances that existed when the Claimant quit**

[14] The Claimant says that he left his job because of mental health issues. He testified that he has struggled with depression and anxiety for 10 years. These conditions started affecting his ability to do his job about a month after he was hired. He takes medication for these conditions and goes to therapy.

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<sup>1</sup> Section 30 of the *Employment Insurance Act* (Act) explains this.

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

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

[15] He says that his depression and anxiety weren't caused by the working conditions of his job (GD3-3-GD3-21), but that he was unsatisfied with his work. It wasn't challenging enough and it didn't engage his mind. He had difficulty focusing and couldn't give customers the service that they needed. He was having panic attacks. He said he just couldn't force himself to do the job any longer. He felt that it was harmful to his mental health.

[16] The Claimant told the EI Officer (GD3-31) that he quit his job because he was bored with it, it was monotonous and he wasn't happy there anymore. He thought he would be happy doing something else, so he quit. He felt he had the right to leave his job and be paid while he was off.

[17] He says that on December 7, 2021, he couldn't bring himself to sign in to work. He couldn't handle dealing with the calls and the people. He froze up when he tried to do the job. He contacted his Team Leader and said he couldn't push himself to do the job anymore. He said he was going to resign but would stay until the end of the month. His employer said that wasn't necessary, so he resigned that day.

[18] So, the circumstances that existed when the Claimant quit were that he was struggling with depression and anxiety, and he was unhappy in his job.

### **Reasonable alternatives**

[19] I must now look at whether the Claimant had no reasonable alternative to leaving his job when he did. The Claimant says that he had no reasonable alternative to leaving when he did, because he couldn't force himself to do the job any longer due to mental health issues.

[20] The Commission disagrees, and says that the Claimant could have talked to his employer about any issues he was having, consulted a doctor, requested a leave, or secured other work prior to quitting.

[21] The Claimant testified that he didn't talk to his doctor about his mental health concerns prior to quitting. He didn't talk to his doctor about having difficulty doing his job

because of his mental health issues. He never asked his doctor for his support to take a sick leave. His doctor never recommended to him that he take time off work for health reasons.

[22] In his Application for Benefits (GD3-3–GD3-21), the Claimant said that he “wasn’t in the right place of mind” to consult his doctor. He made a snap decision to quit. He said that his mental health issues make him perform rash and unwise decisions, without thinking. He said (GD3-31) his doctor wouldn’t have given him a note saying that he should quit his job.

[23] In his Notice of Appeal (GD2-1-GD2-10), the Claimant said that he believed his doctor would have supported him. He said at the hearing that he didn’t know whether his doctor would have given him a note to take time off work. He didn’t think to ask his doctor for one at the time that he quit. He said getting a doctor’s note would have taken time, and he couldn’t force himself to do his job any longer.

[24] However, the Claimant told his employer that he could continue working until the end of December, 2021. He said at the hearing that he would have been able to continue in his job, knowing that he had a definite end date. This contradicts his statement that he couldn’t see his doctor about taking time off before he quit because he absolutely couldn’t stay in his job any longer.

[25] He told the EI Officer (GD3-24 –GD3-25) that he saw his doctor a couple of weeks after he quit. His doctor told him that leaving his job before finding another one “wasn’t the best decision.”

[26] The Claimant says he sees a social worker and a psychologist. He didn’t ask for a note from either of them in support of him taking a sick leave from work so that he could address his mental health concerns.

[27] The Claimant testified that he had paid sick time. But he didn’t ask his employer for time off to address his health concerns. He said he didn’t speak to his employer at all about having health issues that were interfering with his ability to do his job. He said doing that never crossed his mind. He had only ever taken a sick day on a few

occasions. He doesn't know whether taking extended time off would have been an option.

[28] Seeing his doctor, psychologist or social worker about his mental health concerns was a reasonable alternative to quitting when he did. He could have asked one of them to support him taking sick leave to address his mental health issues, instead of quitting his job when he did.

[29] Asking his employer about taking a sick leave or a leave of absence, so that he could address his mental health concerns, was a reasonable alternative to quitting when he did.

[30] The Claimant testified that he didn't request a transfer to a more suitable position with the employer. He had applied for a couple of different positions with the employer, but wasn't successful. He says he applied for other jobs while working for the employer, but not in relation to quitting on December 7, 2021. He was just always looking for a better job.

[31] Although he says that he couldn't continue to work in his job any longer as of December 7, 2021, he told his employer that he could work until the end of December, 2021. I find that staying in his job until he had secured a new job with a different employer was a reasonable alternative to quitting when he did.

[32] Considering all of the circumstances that existed at the time when the Claimant quit his job, I find that he had reasonable alternatives to leaving when he did.

[33] I understand that he was experiencing mental health issues and was unhappy in his job. However, seeing a doctor or other treating health practitioner to support him in taking sick leave, asking his employer for time off to address his health concerns, and staying in his job until he found another one, were all reasonable alternatives to quitting when he did.

[34] This means the Claimant didn't have just cause for leaving his job.

## **Conclusion**

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

[36] This means that the appeal is dismissed.

Susan Stapleton  
Member, General Division – Employment Insurance Section