



Citation: *AL v Canada Employment Insurance Commission*, 2022 SST 1577

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

Decision

Appellant: A. L.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission
reconsideration decision (516244) dated August 17, 2022
(issued by Service Canada)

Tribunal member: Catherine Shaw

Type of hearing: Teleconference

Hearing date: December 15, 2022

Hearing participant: Appellant

Decision date: December 19, 2022

File number: GE-22-2850

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 job to move to another province. She 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 must 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 in her job until she found work in the other province or found a job that she could do around her upcoming schooling.

[6] The Claimant disagrees and states that she couldn't have stayed in her job. She was starting school in another province in September 2022. Her lease was up for renewal in May, and she couldn't renew it for another year as she would be moving in a few months. She looked for short-term housing, but was unsuccessful. So, she left her job in May 2022, and moved to another province.

Issue

[7] Is the Claimant disqualified from receiving benefits because she voluntarily left her 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 her job. The Claimant agrees that she quit as of May 21, 2022. 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 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.¹ 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.²

[13] 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 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.

[14] The Claimant says that she left her job because she had to move to another province.

¹ Section 30 of the *Employment Insurance Act* (Act) explains this.

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

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

[15] She was living and working in Ontario, but was starting school in Nova Scotia in September 2022. Her lease in Ontario was up for renewal in May 2022. She couldn't renew the lease for another year because she would be moving to Nova Scotia within the next couple of months. She couldn't find any other housing within her budget, so she decided to move to the other province early.

[16] She wasn't able to continue working for her employer once she left the province. And even if she didn't have to move, she wouldn't have been able to continue working in her job while attending school. She provided a letter from her employer which states that her job required shifts that varied in length, as well as start and end times. It acknowledges that this work would be challenging to do around a standard education schedule.

[17] It is clear that the Claimant's plan to attend school in Nova Scotia was the reason that she moved. But, it is not the only reason that she left her job. The Claimant left her job early because she didn't want to sign a long-term lease since she would be moving soon. So, her lack of housing options was also a reason that she chose to leave her job when she did.

Reasonable alternatives

[18] The Claimant made a personal decision to move to another province to attend school. I recognize that she had very good reasons for this move, but those reasons do not amount to just cause.

[19] Considering all the circumstances, the Claimant had the reasonable alternative to stay employed in her job in Ontario, or to make an earnest effort to seek employment in Nova Scotia before she decided to relocate.⁴

⁴ In most cases, claimants have an obligation to make some effort to find another job before making the decision to quit, see *Canada (Attorney General) v White*, 2011 FCA 190, at para 5.

[20] The Claimant said that she started looking for work in Nova Scotia the day before she moved. She contacted a former employer first to see if there were any open positions. Then, once she moved she visited more employers and inquired about jobs.

[21] Ultimately, she made the choice to put herself in a position of unemployment in order to move to another province for school. I find it would have been reasonable for the Claimant to have made more efforts to find a job in Nova Scotia before she decided to quit, or not made the personal decision to move.

[22] I understand the Claimant would have had to sign a long-term lease in order to remain working in Ontario. This would not have been an issue except that she planned to start school in Nova Scotia in September 2022. The Claimant could have chosen to stay employed rather than becoming unemployed to move for school.

[23] Leaving her job was not the only reasonable course of action for the Claimant. So, she has not proven that she has just cause for leaving her job.

Conclusion

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

[25] This means that the appeal is dismissed.

Catherine Shaw
Member, General Division – Employment Insurance Section