



Citation: *DD v Canada Employment Insurance Commission*, 2022 SST 1801

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

## **Decision**

**Claimant:** D. D.  
**Commission:** Canada Employment Insurance Commission

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**Decision under appeal:** Canada Employment Insurance Commission reconsideration decision (446621) dated January 18, 2022 (issued by Service Canada)

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**Tribunal member:** Audrey Mitchell  
**Type of hearing:** Teleconference  
**Hearing date:** April 12, 2022  
**Hearing participant:** Claimant  
**Decision date:** April 13, 2022  
**File number:** GE-22-707

## **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 as a meat cutter at a grocery store on August 28, 2022 and applied for EI benefits. The Canada Employment Insurance Commission (Commission) looked at the Claimant's reasons for leaving. They decided that he voluntarily left (or chose to quit) his job without just cause, so they weren'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 stayed at his job and done his home renovation project around his work hours.

[6] The Claimant disagrees and states that he worked eight hours a day and had an hour commute each way. He doesn't think he would have had the time to do the renovation around work hours. In addition, he was concerned about getting COVID-19 from customers who came into the store without masks.

## **Matter I have to consider first**

### **The Claimant didn't send a copy of the reconsideration decision**

[7] The Claimant has to send the Tribunal a copy of the Commission's decision with his notice of appeal.<sup>1</sup> He did not do so. I have a copy of the Commission's file that has this decision. So, I do not need the Claimant to send it.<sup>2</sup>

## **Issue**

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

[9] 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**

[10] I accept that the Claimant voluntarily left his job. The Claimant agrees that he quit on August 28, 2021. I see no evidence to contradict this.

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

[11] The parties don't agree that the Claimant had just cause for voluntarily leaving his job when he did.

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

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<sup>1</sup> Paragraph 24(1)(b) of the *Social Security Regulations* .

<sup>2</sup> Paragraph 3(1)(b) of the *Social Security Regulations*.

<sup>3</sup> Section 30 of the *Employment Insurance Act* (Act) explains this.

[13] 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>4</sup>

[14] It is up to the Claimant to prove that he had just cause.<sup>5</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 the Claimant quit.

[15] The Claimant says that he left his job because he was moving to a new residence and needed time to renovate it. The Claimant says that he had no reasonable alternative to leaving at that time because his employer wouldn’t give him time off to do the renovation. He says they told him they would re-hire him. The Claimant also said that he was afraid of getting COVID-19 due to his age.

[16] The Commission says that the Claimant didn’t have just cause, because he had reasonable alternatives to leaving when he did. Specifically, they say that the Claimant could have done the home renovation around his work hours.

[17] I find that the Claimant hasn’t shown that he had no reasonable alternatives to leaving his job when he did.

[18] The Claimant had worked as a meat cutter for a grocery store for a few days. He testified that he and his daughter were living in a motel. They found a place to rent that would cut his commute time to work. However, the new rental needed renovations. The Claimant said that he wouldn’t have the time to do the renovations while working.

[19] The Claimant testified that his manager couldn’t give him time off to complete the renovations since he had worked for such a short time. So he quit his job. He said that the employer told him that they would hire him back. But the Claimant injured his arm while moving, and needed surgery. He then had to take time for his arm to heal.

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

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

[20] I understand the Claimant's desire to take the time needed to renovate his new home. However, I find that this is a personal decision he made. I agree with the Commission and find that a reasonable alternative to quitting his job would have been to do the work around his work schedule, in the evenings or on weekends. This may have taken him much more time, but he would have kept his job.

[21] The Claimant also spoke about his fear of catching COVID-19. He said that a few people came into the store without masks and he did not want to deal with them. He explained that he was not vaccinated because of possible side effects. He felt that customers without masks would put him at risk.

[22] I asked the Claimant about COVID protocols where he worked. I also asked if he had spoken to his manager about his concern. The Claimant said that there were signs on the door requiring customers to wear masks. However, he said that the store didn't enforce it. The Claimant said that he spoke to a co-worker who said that customers came into the store all the time without masks. The Claimant said that he hadn't spoken to his manager about his concern. This is because he worked at the store for only a few days.

[23] I have no reason to doubt that the Claimant was nervous about possible exposure to COVID-19. This is especially since he was not vaccinated. He testified that he didn't know how COVID-19 would affect him if he caught it. However, I find that the Claimant could have spoken to his manager about addressing his concern.

[24] The Claimant testified that he intended to return to work for the employer. He said because of his arm injury, it took longer to ask his employer to return to work. When he was able to return to work, his employer had already hired someone else. Given his evidence, I don't find that the Claimant's fear of getting COVID-19 was the reason that he left his job.

[25] Based on the above, I don't find that the Claimant has proven that he had just cause to leave his job when he did.

## **Conclusion**

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

[27] This means that the appeal is dismissed.

Audrey Mitchell

Member, General Division – Employment Insurance Section