



Citation: *MF v Canada Employment Insurance Commission*, 2023 SST 1012

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

Decision

Appellant: M. F.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission reconsideration decision (573546) dated March 1, 2023 (issued by Service Canada)

Tribunal member: Audrey Mitchell

Type of hearing: Teleconference

Hearing date: May 31, 2023

Hearing participant: Appellant

Decision date: June 5, 2023

File number: GE-23-813

Decision

[1] The appeal is dismissed. The Tribunal disagrees with the Appellant.

[2] The Appellant hasn't shown just cause (in other words, a reason the law accepts) for leaving her job when she did. The Appellant 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 Appellant left her job as a caregiver on October 26, 2022, and she applied for EI benefits. The Canada Employment Insurance Commission (Commission) looked at the Appellant'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 Appellant has proven that she had no reasonable alternative to leaving her job.

[5] The Commission says the Appellant could have secured another job before quitting, or she could have asked for more clients at her part-time job.

[6] The Appellant disagrees and states she was laid off from one job, so she decided it was time to move back home. She added that she worked only three hours a week at the part-time job that she left.

Matter I have to consider first

The Appellant didn't send a copy of the reconsideration decision

[7] The Appellant has to send the Tribunal a copy of the Commission's reconsideration decision or the date of the reconsideration with her notice of appeal.¹

¹ See section 24(1)(e) of the *Social Security Rules of Procedure*.

She didn't do so. I have a copy of the Commission's file that has this decision. So, I don't need the Appellant to send it.²

Issue

[8] Is the Appellant disqualified from receiving benefits because she voluntarily left her job without just cause?

[9] To answer this, I must first address the Appellant's voluntary leaving. I then have to decide whether the Appellant had just cause for leaving.

Analysis

The parties agree that the Appellant voluntarily left

[10] I accept that the Appellant voluntarily left her job. The Appellant agrees that she quit on October 26, 2022. I see no evidence to contradict this.

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

[11] The parties don't agree that the Appellant had just cause for voluntarily leaving her job when she 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.³ Having a good reason for leaving a job isn't enough to prove just cause.

[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.⁴

[14] It is up to the Appellant 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

² See section 8(4) of the *Social Security Rules of Procedure*.

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.

not that her only reasonable option was to quit. When I decide whether the Appellant had just cause, I have to look at all of the circumstances that existed when the Appellant quit.

[15] The Appellant says she left her job because she was working three hours at her part-time job, and she wanted to move back home after being away for 33 years. She says she had no reasonable alternative to leaving at that time because she could not afford to live in the city where she worked.

[16] The Commission says the Appellant didn't have just cause, because she had reasonable alternatives to leaving when she did. Specifically, it says the Appellant could have stayed at her job until she secured another one. It also says she could have asked for more clients at her part-time job so she wouldn't be unemployed.

[17] I find that the Appellant had reasonable alternatives to leaving her job when she did.

[18] The Appellant worked at two jobs. After she was laid off from one job, she decided to quit the second job and move home to a different province where her family lives. She said she could no longer afford to stay by herself in the province where she had worked.

[19] The Appellant testified that she has two adult sons who had lived with her and helped her pay rent. She said one son moved out. The other son wanted to get his own place with his girlfriend. But the Appellant testified that she moved, and her son and his girlfriend stayed in the place where she used to live.

[20] The Appellant responded to the Commission's submission that she could have secured another job before leaving her part-time job. She said that's easier said than done. She said in the city where she lived, all you do is work and sleep. She added that everything was so expensive and that's why she moved home.

[21] I have no reason to doubt the Appellant's testimony that living in the province where she worked was difficult to afford. But I find that despite this, she could have

waited to quit until she found another job, whether in the province where she had the job, or in the province where she moved. In fact, the Appellant testified that she would have found a job if she didn't move, but she decided moving was best for her. I find this shows she didn't have to quit her job when she did.

[22] The Appellant worked as a caregiver at the part-time job that she left. She told the Commission she was getting about three hours a week at this job, so she decided to quit. She said she could have gotten another client, but she made the decision to move back home. She reiterated at the hearing that she could have picked up another client, but she made the decision to move home.

[23] The Appellant referred to medical conditions in her notice of appeal. I asked her how her health affected her decision to quit her job, if at all. She testified about surgeries and chemotherapy she had undergone between 2013 and 2016. She said she wasn't able to work "all kinds of hours" because of her health.

[24] I accept the Appellant's testimony about the medical conditions she experienced. But despite her health, she said she could have gotten another client. So, I find that this was a reasonable alternative to quitting. I find it would have been reasonable for the Appellant to see if her health would allow her to take on enough clients to support herself financially.

[25] The Appellant referred to her decision to move home as a personal decision. It appears that she had good cause to quit her job to move home to be near family. But I have to decide whether she had just cause within the meaning of the law to quit her job. Since she had reasonable alternatives to leaving her job, I find that she hasn't shown that she had just cause to leave her job when she did.

Conclusion

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

[27] This means that the appeal is dismissed.

Audrey Mitchell

Member, General Division – Employment Insurance Section