



Citation: *BH v Canada Employment Insurance Commission*, 2023 SST 1672

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

## Decision

**Appellant:** B. H.

**Respondent:** Canada Employment Insurance Commission

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**Decision under appeal:** Canada Employment Insurance Commission reconsideration decision (584987) dated May 4, 2023 (issued by Service Canada)

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**Tribunal member:** Ambrosia Varaschin

**Type of hearing:** Teleconference

**Hearing date:** August 23, 2023

**Hearing participant:** Appellant

**Decision date:** August 24, 2023

**File number:** GE-23-1414

## **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 his job when he did. The Appellant 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 Appellant left his job on December 23, 2022, and applied for EI benefits. The Canada Employment Insurance Commission (Commission) looked at the Appellant'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 Appellant has proven that he had no reasonable alternative to leaving his job.

[5] The Commission says that the Appellant could have requested a leave of absence, retired, or simply kept working. The Appellant prearranged his departure in November 2021, so he had a year that he could have been looking for another job if he wanted to continue participating in the workforce.

[6] The Appellant disagrees and states that he left because he felt mistreated and pressure to retire because of his advanced age.

## **Issue**

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

[8] 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

[9] I accept that the Appellant voluntarily left his job. The Appellant agrees that he left on December 23, 2022. I see no evidence to contradict this.

### What is just cause?

[10] 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*.<sup>2</sup>

[11] The law says that you have "just cause" if, considering all the circumstances, you had no reasonable choice but to quit your job when you did.<sup>3</sup>

[12] The Claimant has to prove that he had just cause.<sup>4</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.<sup>5</sup>

[13] I have to look at all of the circumstances that existed when the Claimant quit to decide if he had just cause. The law sets out some of these circumstances.<sup>6</sup> After I decide which circumstances apply to the Claimant, he then has to show that there was no reasonable alternative to leaving at that time.<sup>7</sup>

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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 Imran*, 2008 FCA 17.

<sup>3</sup> See *Canada (Attorney General) v White*, 2011 FCA 190; *Canada (Attorney General) v Macleod*, 2010 FCA 301; *Canada (Attorney General) v Imran*, 2008 FCA 17; and *Astronomo v Canada (Attorney General)*, A-141-97.

<sup>4</sup> See *Green v Canada (Attorney General)*, 2012 FCA 313; *Canada (Attorney General) v White*, 2011 FCA 190; *Canada (Attorney General) v Patel*, 2010 FCA 95.

<sup>5</sup> See *Canada (Attorney General) v Laughland*, 2003 FCA 129.

<sup>6</sup> See section 29(c) of the Act.

<sup>7</sup> See section 29(c) of the Act.

## **The parties agree that the Appellant didn't have just cause**

[14] The parties agree that the Appellant didn't have just cause for voluntarily leaving his job when he did.

[15] The Appellant says that he left his job because of excessive pressure to retire. There were 'suggestions' made to him that his computer skills were falling behind, and the introduction of daily work tracking caused him to feel targeted and stressed. He said he was singled out at meetings when he did not complete his work reports and complained that over ten years he only received three salary increases.

[16] The Commission says the Appellant initiated his separation from his employer, even before he complained of the activity reporting in mid-2022, and that his working conditions were not intolerable or such that he could not secure other work before leaving. The Appellant doesn't dispute this.

[17] The Commission says that the Appellant didn't have just cause, because he had reasonable alternatives to leaving when he did. Specifically, it says that the Appellant could have raised his concerns with management or human resources, asked for stress leave, or looked for work before leaving his job.

[18] The Appellant doesn't dispute this, and I see no evidence to the contrary. So, I accept that the Appellant didn't have just cause to leave his employment when he did.

## **Conclusion**

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

[20] This means that the appeal is dismissed.

Ambrosia Varaschin  
Member, General Division – Employment Insurance Section