



[TRANSLATION]

Citation: *JC v Canada Employment Insurance Commission*, 2024 SST 278

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

## Decision

**Appellant:** J. C.

**Respondent:** Canada Employment Insurance Commission

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**Decision under appeal:** Canada Employment Insurance Commission reconsideration decision (569492) dated March 14, 2024 (issued by Service Canada)

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**Tribunal member:** Josée Langlois

**Type of hearing:** Teleconference  
**Hearing date:** March 19, 2024

**Decision date:** March 19, 2024  
**File number:** GE-24-548

## Decision

[1] The appeal is allowed.

[2] I find that the Appellant had just cause for voluntarily leaving his job on May 17, 2022.

## Overview

[3] The Appellant applied for benefits on November 3, 2022. He then indicated that he voluntarily left his job at X on May 17, 2022. He also said that he left his job for another one. He worked in this new job until June 18, 2022, before he was let go.

[4] The Record of Employment issued by the employer X shows that the Appellant's last day of work was May 17, 2022, and that he voluntarily left his job.

[5] On March 14, 2023, 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 and that he had reasonable alternatives to leaving when he did. Because of this, the Commission didn't pay him benefits.

[6] On April 11, 2023, the Appellant filed a notice of appeal with the Tribunal. After that, a hearing took place before the General Division, but the Appellant was absent. The General Division proceeded in the parties' absence and upheld the Commission's decision.

[7] The Appellant appealed the General Division decision to the Tribunal's Appeal Division. On January 31, 2024, the Appeal Division issued a decision saying that there had been a breach of the principle of natural justice because the Appellant hadn't been able to attend the hearing. The Appeal Division is returning the file to the General Division for reconsideration.

[8] The Appellant disagrees with the Commission. He argues that the employer, X, refused him parental leave and that, when he stopped working, he had assurance of

another job. He also says that he worked in this new job until June 18, 2022, before he was let go.

[9] I have to decide whether the Appellant voluntarily left his job and, if so, whether he has proven that he had no reasonable alternative to leaving.

### **Matter I have to decide first**

[10] Although the file is being returned by the Appeal Division for reconsideration because the Appellant was absent from the first General Division hearing, the Appellant wasn't at the teleconference hearing scheduled for March 19, 2024, either.

[11] It is the Appellant's responsibility to read the Tribunal's letters and messages. Notice of the March 19, 2024, hearing was sent to him at the email address he provided to the Tribunal on February 29, 2024. A telephone reminder of the hearing was also made on March 12, 2024.

[12] At the time of the hearing, on March 19, 2024, the Tribunal Registry tried to reach the Appellant twice but was unsuccessful. To date, the Appellant has made no attempt to call the Tribunal back.

[13] Because I am satisfied that the parties were informed of the hearing, the hearing took place in their absence.

### **Issues**

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

[15] If so, did the Appellant have just cause for voluntarily leaving his job?

## Analysis

### Voluntary leaving

– **The parties agree that the Appellant voluntarily left**

[16] The parties agree that the Appellant voluntarily left his job.

[17] The Appellant initially told the Commission that he voluntarily left his job.<sup>1</sup>

[18] The Record of Employment the employer gave the Commission says that the Appellant voluntarily left his job.

[19] The Commission argues that the Appellant voluntarily left his job on May 17, 2022, and that he didn't have just cause.

[20] I accept that the Appellant voluntarily left his job.

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

[21] The *Employment Insurance Act* (Act) says that a claimant is disqualified from receiving benefits if they voluntarily left their job and they didn't have just cause.<sup>2</sup>

Having good cause (or a good reason) for leaving a job isn't enough to prove just cause.

[22] The law explains what it means by "just cause." It 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>3</sup>

[23] It is up to the Appellant 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

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<sup>1</sup> See GD3-6.

<sup>2</sup> See section 30 of the *Employment Insurance Act* (Act).

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

<sup>4</sup> See *Attorney General of Canada v White*, 2011 FCA 190 at para 3.

that his only reasonable option was to quit. So, I will look at all of the circumstances that existed when the Appellant quit.

[24] The Appellant's manager at X told a Commission agent that the Appellant had voluntarily left his job. But the manager explained that the Appellant had trouble being civil at work and that he easily got angry when upset. For this reason, the employer had referred him to the employee assistance program. The employer also said that the Appellant had to improve his behaviour and that there was a good chance that he would have been let go if he hadn't voluntarily left his job.

[25] The Commission says that the Appellant could have waited until he had assurance of another job before leaving the one he had, even if the employer refused to grant him leave. It argues that he should have consulted his union to assert his rights and that the situation wasn't so intolerable that it justified him leaving his job.

[26] In addition, the Commission says that, even if the union had invited him to leave his job, the Appellant didn't have to. It asks the Tribunal to carefully determine whether there are contradictions in the Appellant's statements. It says that a Record of Employment shows that the Appellant had another job for two weeks from May 10, 2022, to May 17, 2022, for a total of 45 hours, and that it wasn't a full-time job.

[27] The Commission also says that the Appellant behaved badly at work and that he blamed others. In the Commission's view, the Appellant didn't have just cause for voluntarily leaving his job because he had other options—he could have used the employee assistance program, as the employer had suggested.

[28] On November 1, 2023, the Appellant told a Commission agent that he left his job because he had assurance of another one. He explained that he worked two part-time jobs, but that both employers offered him full-time positions. He then said that he stopped working at X in 2021, not in 2022.

[29] On January 11, 2023, he told a Commission employee that he had received vacation pay around June 2022, but that he had stopped working in September 2021.

The Appellant was confused about the date of separation and later confirmed that he had worked for X in 2022.

[30] The Appellant explained that he had problems with his manager at X and that the manager refused him parental leave. He said he asked his union for help, but it didn't help him.

[31] He also argues that he actively made efforts to find a job before leaving the one he had. He says that he had assurance of another full-time job when he left his job at X.

[32] It wasn't until after the new employer gave him reduced hours before letting him go on June 18, 2022.

[33] Even though the Commission says that the Appellant could have waited until he had assurance of another job despite the employer's refusal to grant him parental leave, the fact is that the Appellant is entitled to take parental leave. And if the employer actually denied the Appellant this right, this practice could be prohibited under section 29(c)(xi) of the Act.

[34] I have to make this decision on a balance of probabilities. To do this, I have to look at all of the circumstances that led the Appellant to leave his job.

[35] It is true that it is generally reasonable to continue working until a new job is found, rather than making a unilateral decision to leave a job.<sup>5</sup> But I find that, in the Appellant's case, he had found another job.

[36] According to his version of the facts, the employer even told him that he would work full-time in this job. The Appellant worked for X from June 6, 2022, to June 18, 2022, when he was let go (before the end of his probation period).<sup>6</sup> But the Appellant could not have known on May 17, 2022, that he would be let go on June 18, 2022.

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<sup>5</sup> See *Graham* 2011 FCA 311; and *Campeau* 2006 FCA 376.

<sup>6</sup> See the Record of Employment at GD7-2, which the Commission sent at the General Division's request.

[37] I find that the Appellant had just cause for leaving his job because he had assurance of another one. He started this job on June 6, 2022, and it was supposed to be full-time.

[38] The Appellant has shown that he had assurance of another job in the immediate future when he left the one he had at X on May 17, 2022. So, it isn't necessary to determine whether he had exhausted all reasonable alternatives before leaving that job.

[39] The Appellant had just cause for leaving his job on May 17, 2022, in accordance with section 29(c)(vi) of the Act.

## **Conclusion**

[40] The appeal is allowed.

Josée Langlois  
Member, General Division – Employment Insurance Section