



Citation: *RG v Canada Employment Insurance Commission*, 2024 SST 216

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

Decision

Appellant: R. G.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission reconsideration decision (622950) dated October 20, 2023 (issued by Service Canada)

Tribunal member: Elyse Rosen

Type of hearing: Teleconference

Hearing date: January 4, 2024

Hearing participant: Appellant

Decision date: January 5, 2024

File number: GE-23-3159

Decision

[1] The appeal is dismissed.

[2] I find that the Appellant voluntarily left his job (in other words, quit) without just cause. This means that the Appellant is disqualified from receiving Employment Insurance (EI) benefits.¹

Overview

[3] The Appellant worked from home. His job required him to have a secure high speed ethernet connection and to work from a home office.

[4] The Appellant broke up with his girlfriend and had to leave the apartment where he was living. He didn't have anywhere else to go and ended up couch surfing—going from one friend to another for a few days at a time—until he could find a place of his own.

[5] He tried to work from his various temporary residences using a wifi connection, since a secure ethernet connection wasn't available to him. His employer contacted him to let him know he wasn't allowed to do this. So, he sent his employer a letter of resignation explaining that he could no longer meet the conditions of the job.

[6] The Appellant applied for EI benefits.

[7] The Canada Employment Insurance Commission (Commission) says it can't pay him benefits because he quit his job without just cause. It says he had other reasonable alternatives to quitting his job.

[8] The Appellant claims there were no other reasonable alternatives to quitting. He didn't know when he would be able to secure a new permanent home and acquire the internet connection that he needed to do his job.

¹ Section 30 of the *Employment Insurance Act* (Act) says that Appellants who voluntarily leave their job without just cause are disqualified from receiving benefits.

Issue

[9] Did the Appellant quit his job without just cause?

Analysis

[10] The parties agree that the Appellant quit his job. So, the only thing I have to decide is if the Appellant had just cause to quit.

Did the Appellant have just cause to quit his job?

[11] I find that the Appellant didn't have just cause to quit his job.

[12] The law says that you are disqualified from receiving benefits if you quit your job and you didn't have just cause to do so.² Having a good reason for quitting a job isn't enough to prove just cause.³

[13] The law says that you have just cause if you had no reasonable alternative to quitting your job when you did. In other words, you have to exhaust all other possibilities before quitting.

[14] I have to consider all the circumstances at the time the Appellant left his job when I decide if he had a reasonable alternative to quitting.⁴ The law sets out some of the circumstances I have to look at.⁵

[15] It is up to the Appellant to prove that he had just cause. He has to prove this on a balance of probabilities. This means that he has to show that it's more likely than not that his only reasonable option was to quit when he did.⁶

² See section 30 of the Act.

³ See *Canada (Attorney General) v. Imran*, 2008 FCA 17.

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

⁵ See section 29(c) of the Act.

⁶ See *Canada (Attorney General) v White*, 2011 FCA 190 at para 4.

[16] To decide this appeal, I first have to determine the circumstances surrounding the Appellant's decision to quit. I then have to decide if the Appellant has shown that he had no reasonable alternative to quitting in light of those circumstances.⁷

– **The circumstances that existed when the Appellant quit**

[17] The Appellant says he quit his job because he couldn't meet the conditions of the job. His employer required him to work from a designated home office and to have a secure high speed ethernet connection.

[18] The Appellant says that while he was between places to live, he tried to continue working using wifi. But his employer wouldn't allow it.

[19] The Appellant says his employer gave him a week to arrange for a secure internet connection. But he didn't know when he would be in a position to find a new home and secure the internet connection that he needed to do his job. So, he quit.

– **Reasonable alternatives to quitting**

[20] The Appellant had reasonable alternatives to quitting his job when he did.

[21] After the Appellant sent his letter of resignation, his employer reached out to see if the situation regarding the lack of the required internet connection was temporary. It said it was willing to discuss options to avoid having the Appellant resign.⁸

[22] The Appellant simply wrote back to say that he didn't know when he would be able to secure the required internet connection.⁹ He didn't attempt to make any arrangements with his employer to avoid having to resign, despite having been invited to do so.¹⁰

⁷ See section 29(c) of the Act.

⁸ See GD3-23.

⁹ See GD3-22.

¹⁰ See GD3-19, where he confirms to the Commission that he didn't ask his employer for any sort of accommodation.

[23] The Appellant claims that his employer gave him an ultimatum and that he was given one week to secure the required internet connection. Since he knew he would be unable to do so, he had no choice to resign.

[24] From the evidence, I don't accept that the Appellant was given an ultimatum. This may have been how the Appellant interpreted his exchanges with his employer, but I conclude that this interpretation is incorrect.

[25] First, the Appellant told the Commission that this ultimatum was included in an email exchange.¹¹ However the exchange of emails between the Appellant and his employer doesn't contain an ultimatum. It does speak of a one-week delay, but that was a delay to respond to the offer to discuss alternative solutions, not a delay to secure the required internet connection. Rather, the Appellant's employer invited him to review options with it to avoid a resignation.

[26] Second, the employer confirmed to the Commission that had the Appellant reached out to it to discuss the situation it would have accommodated him. It claims it would have given him a personal leave or made arrangements that would allow him to continue to work. But it says the Appellant didn't contact them to discuss options.¹²

[27] The Appellant says there were no other options and nothing the employer could have done in the circumstances. But this was an assumption on his part.¹³

[28] I'm not convinced that there wasn't anything the employer could have done to accommodate the Appellant. Having never discussed options with his employer, the Appellant cannot know for certain that his employer would have been unable to assist him in resolving the fact that he didn't have the required internet connection. He should have spoken with his employer to see what options might be possible before quitting.

¹¹ See GD3-31.

¹² See GD3-20 and GD3-32.

¹³ See GD3-38, where the Appellant told the Commission that he assumed that his employer wasn't going to wait until he was able to find a new place to live and secure the required internet connection. At the hearing the Appellant said he did speak to his employer. But I find his prior statements to the Commission more credible. Moreover, his employer confirmed to the Commission that he never contacted them to discuss options.

[29] A claimant must do everything possible to try to keep their job before quitting. I find that the Appellant didn't do everything possible in this case.

[30] So, the Appellant hasn't proven he had just cause to quit his job when he did. I find that he had other reasonable alternatives available to him in the circumstances.

Conclusion

[31] I find that the Appellant voluntarily left his job without just cause. Because of this, the Appellant is disqualified from receiving EI benefits.

[32] This means that the appeal is dismissed.

Elyse Rosen

Member, General Division – Employment Insurance Section