Citation: *SJ v Canada Employment Insurance Commission*, 2025 SST 28

Social Security Tribunal of Canada
General Division – Employment Insurance Section

Decision

Appellant:	S. J.
Respondent:	Canada Employment Insurance Commission

Decision under appeal:	Canada Employment Insurance Commission reconsideration decision (689277) dated October 30, 2024 (issued by Service Canada)

Tribunal member:	Rena Ramkay
Type of hearing:	Videoconference
Hearing date:	December 6, 2024
Hearing participant:	Appellant
Decision date:	January 7, 2025
File number:	GE-24-3732

Decision

[1] The appeal is dismissed. This means I disagree with the Appellant.[1]

[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 established an initial application for EI benefits on November 12, 2023. She received benefits until she started a new job in sales on April 29, 2024.

[4] She left that job on July 2, 2024, and renewed her claim for EI benefits.[2] The Canada Employment Insurance Commission (Commission) looked at the Appellant's reasons for leaving. It decided she voluntarily left (or chose to quit) her job without just cause, so it wasn't able to pay her benefits.

[5] I must decide whether the Appellant has proven that she had no reasonable alternative to leaving her job.

[6] The Commission says that the Appellant told it she left her employment due to her employer's illegal activities, specifically related to terrorism and cybercrime. But the Commission says her employer says they weren't doing anything illegal. The Commission says the Appellant hasn't shown her decision to leave was justified within the meaning of the *Employment Insurance Act* (EI Act). It says she had alternatives to leaving.

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[1] The *Employment Insurance Act* (EI Act) calls a person who applies for EI benefits a "claimant." A person who appeals a decision of the Canada Employment Insurance Commission (Commission) to the Tribunal is called an "Appellant."

[2] When a claimant applies for EI benefits during the 52 weeks within which they have already established a benefit period, that claim is renewed.

[7] The Appellant disagrees and says there was an ongoing police investigation, and her employer wasn't cooperating with the investigation. While it wasn't her employer who was under investigation, she says there were some people who worked there who weren't cooperating with the investigation. She felt that she had to leave.

Matter I have to consider first

The appeal file wasn't put in abeyance

[8] At the hearing on December 6, 2024, I confirmed with the Appellant that she would not be submitting any additional documents to the Tribunal. We agreed that she could send the investigation report if she received it in the two weeks following the hearing.

[9] On December 9, 2024, the Appellant submitted email correspondence from the Royal Canadian Mounted Police (RCMP) acknowledging receipt of her request for documents related to an ongoing investigation under the Access to Information Act. This showed only that she made an Access to Information request, and neither confirmed nor denied that the documents she requested exist. Since it wasn't what I had agreed to accept after the hearing, I didn't accept her submission into evidence.

[10] On December 11, 2024, the Appellant submitted the same document showing she had made the Access to Information request and that her request had been received. She said this document provides evidence to support her testimony that she left her employment because of an ongoing investigation.[3]

[11] While the document submitted doesn't show that the investigation file requested exists, only that the Appellant asked for it and the request was received, I accepted this document into evidence on the appeal file for the following reasons:

- If the investigation file exists, its contents may be relevant to the Appellant's appeal.

[3] See GD09.

- The email the Appellant received from the RCMP asked for a 30-day extension to respond, which means she should have the response by February 8, 2025. In my view, the benefit of waiting for potential evidence to support the Appellant's argument outweighs the delay in deciding the appeal after February 8, 2025.

[12] So, I considered putting the appeal file in abeyance, or on hold, until February 8, 2025, to allow the Appellant to submit relevant details from the investigation file that support her appeal. On December 16, 2024, I asked for submissions from the Appellant and the Commission on putting the file in abeyance.[4]

[13] On December 16, 2024, the Appellant sent in her submission in the document coded GD11. In that document, she says she thinks she has proved beyond a reasonable doubt and provided evidence that the EI appeal was on the basis of an ongoing investigation. She also says her personal information and evidence from federal investigations aren't required to prove or decide the EI appeal.

[14] The Commission has provided no submissions on the question of abeyance at the time of this decision's writing.

[15] On January 2, 2024, I advised both the Commission and the Appellant that I will proceed with writing the decision and not put the appeal file in abeyance.[5] This is because the Appellant says she has provided enough evidence for me to decide the appeal. So, I don't need to wait for any more evidence from the Appellant. I will make my decision based on the evidence I received from the parties up to December 16, 2024.

Issue

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

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[4] See GD10.
[5] See GD12.

[17] 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

[18] I accept that the Appellant voluntarily left her job. The Appellant agrees that she quit on July 11, 2024. The employer submitted a Record of Employment (ROE) that confirms that the Appellant quit on this date.[6] I see no evidence to contradict this, so I accept it as fact.

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

[19] The parties don't agree that the Appellant had just cause for voluntarily leaving her job when she did.

[20] The law says you are disqualified from receiving benefits if you left your job voluntarily and you didn't have just cause.[7] Having a good reason for leaving a job isn't enough to prove just cause.

[21] 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 I have to consider all the circumstances.[8]

[22] It is up to the Appellant to prove that she had just cause.[9] She has to prove this on a balance of probabilities. A balance of probabilities means I will look at the evidence and decide whether it is more likely than not that the events occurred as they have been described. When I decide whether the Appellant had just cause, I have to look at all of the circumstances that existed when the Appellant quit.

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[6] See GD3-15.
[7] Section 30 of the *Employment Insurance Act* (Act) explains this.
[8] See *Canada (Attorney General) v White*, 2011 FCA 190 at para 3; and section 29(c) of the Act.
[9] See *Canada (Attorney General) v White*, 2011 FCA 190 at para 3.

- **What the Appellant says**

[23] The Appellant says she was a victim of cybercrime, harassment, and stalking. She says charges of espionage and terrorism are also being investigated by the police. She testified that she originally made a complaint with the police about this in 2020. She says there was sufficient evidence for the police to launch an investigation in 2021 and 2022, and the criminal investigation is ongoing.

[24] While her employer wasn't part of the original cybercrime charges, the Appellant says they needed to cooperate with the ongoing investigation into cybercrimes and some employees weren't. She says her employer was "abusing cooperating with cybercrimes."

[25] The Appellant provided little detail about what she meant when she said her employer was "abusing cooperation with cybercrimes". She says some employees were cooperating with the person she made a complaint against, which she said was illegal.

[26] The Appellant says she was advised not to speak about the investigation while it proceeded. For this reason, she says she can't provide any more information other than to say that she left her work because of an ongoing investigation and her employer abusing cooperating with cybercrimes.

[27] The Appellant provided a document with timelines, names of contacts, and reference numbers of files related to the complaints she had made and the investigations underway.[10] I think the document was created by the Appellant. But there is no information other than a statement saying, "ongoing investigations, judicial proceedings released" for most of the files listed. For one file, the Appellant describes her involvement as a victim in cybercrimes to include harassment, threats, stalking, defamation, slander, and includes consequences of the cybercrime.[11]

[28] The Appellant says she left her job because she had no reasonable alternative to leaving at that time. She says she spoke to her manager, but her manager could not do

[10] See GD08.
[11] See the bottom of page GD8-3 and the top of page GD8-4.

anything. She says the owner of the company was cooperating with the person she had made the complaint about and so was his wife, who was the head of Human Resources. She testified she wasn't able to speak with either of them to resolve the issues because of their abusing cooperation with cybercrime.

[29] The Appellant says the situation was getting worse at work and she was experiencing stress. She says she communicated with the police who told her she could consider leaving her job.[12] Since the investigation was confidential, she says she can't provide any emails or communication about what the police suggested to her.

- **What the Commission says**

[30] 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 has the onus, or burden, to prove she had no alternatives to leaving, and she hasn't shown the decision was justified within the meaning of the EI Act.

[31] While the Appellant mentions the name of the person against whom she says charges were founded, the Commission says she hasn't provided details about who this person is and how this person is related to the employer. It also says the police report number provided by the Appellant is from the year 2022. This is before the Appellant began working for her employer.

[32] The Commission says the Appellant told it that police investigators advised her to leave her employment until the investigation concluded and to seek approval to take training. But it says the police don't have the authority to advise the Appellant to quit nor to attend a training program. And, it says there is no evidence on file that the police made these recommendations.

[12] The Appellant told the Commission that the authorities had suggested she quit her employment at GD3-24. At the hearing, the Appellant was less clear about if she had been told to leave her job.

[33] The Commission says the employer told it that the Appellant left her employment due to personal reasons in her life, that they weren't engaging in illegal activities, and that the Appellant was never asked to participate in illegal activities.

[34] The Commission says the Appellant could have discussed the situation with her employer and explored the possibility of recourse under the Human Rights statutes. It says if her manager could not resolve the issue, the Appellant could have reported her concerns to Human Resources, upper management, or the owner of the company. If there was an active investigation involving her employer, the Appellant could have asked for a leave of absence until the investigation concluded.

- **My findings**

[35] I find that the Appellant hasn't shown just cause for voluntarily leaving her employment because I think she had reasonable alternatives to leaving when she did. I provide my reasons below.

[36] The law sets out some circumstances to be considered when deciding if a claimant had just cause to leave their employment.[13]

[37] One of the circumstances to be considered is working conditions that constitute a danger to health and safety.[14] Another circumstance to consider is if practices of an employer are contrary to law.[15]

[38] I don't find the Appellant's statements that her co-workers are abusing cooperation with cybercrimes to be credible because she hasn't provided any evidence or information to back this up. And the Appellant hasn't provided any evidence that her employer was engaging in illegal activities.

[39] At the hearing I asked the Appellant if the police were conducting surveillance on computer use at her employer's workplace and if that meant employees were seeing information about her. She said her employer wasn't under surveillance as part of the

[13] See section 29(c) of the EI Act.
[14] See section 29(c)(iv) of the EI Act.
[15] See section 29(c)(xi) of the EI Act.

investigation. But she testified that some employees were cooperating with the cybercrimes.

[40] From this, I understand the Appellant to be implying that there was some information about her that was part of the cybercrime which could be accessed on the internet, and that there were some employees at her workplace who had accessed or were accessing that information. And I think the Appellant is implying that the owner of the company and his spouse were among those accessing the information.

[41] But these are my own inferences since the Appellant didn't provide information other than to repeat that her employer was "abusing cooperation with cybercrimes." The Appellant hasn't provided a fuller explanation or any evidence to back up these inferences. She says she can't speak about the investigation until it is legally concluded because it relates to national interests.[16]

[42] The Commission's conversations with the employer's Human Resources indicate that she left her job for personal reasons and that there wasn't anything illegal going on at work.[17] The Appellant's manager told the Commission that she was dealing with some legal matters in her personal life that had nothing to do with her job and confirmed that the Appellant had never been asked to do anything illegal at work.[18]

[43] The document the Appellant provided listing file numbers doesn't prove that these files exist.[19] Her request of RCMP files through the Access to Information Act shows only that she asked for these files, but it isn't proof that these files exist.[20] And the Appellant says she can't provide proof of communication with the police about leaving her job because the investigation is ongoing.

[44] I don't accept that the Appellant can't provide more detail than she has given to back up the circumstances she says she faced at work. In my view, it would not disclose

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[16] See GD3-17.
[17] See the Commission's record of its call with Human Resources on October 30, 2024, at GD3-26.
[18] See the Commission's record of its call with the Appellant's manager on October 30, 2024, at GD3-27.
[19] See GD08.
[20] See GD09.

sensitive investigation material to share an email where the Appellant indicated problems at work to the police and was advised she might want to leave work. Likewise, I can't accept that it would compromise a police investigation if the Appellant provided a fuller explanation of what "abusing cooperation with cybercrime" means in the context of her employment.

[45] The law places the onus, or burden, to prove that she had just cause for leaving her employment on the Appellant. The Appellant has provided allegations about cybercrime, but allegations are not facts. As a result, I find the Appellant hasn't provided sufficient evidence to establish she left her job due to working conditions that constitute a danger to health or safety or due to practices of an employer that are contrary to law. I find the Appellant has failed to establish that she had just cause for leaving her job for these reasons.

[46] The Commission says the Appellant had reasonable alternatives to leaving her employment when she did, and I agree. I accept that she discussed the situation with her manager who could not do anything. But I think it was a reasonable option to speak with upper management or Human Resources to see if the situation she described could be resolved.

[47] The Appellant says she could not speak to Human Resources or the owner of the company because they were among those in her workplace abusing cooperation with cybercrime. But she has provided no evidence of this and has not explained how they were cooperating with the person she accused of cybercrimes. So, I find it was reasonable for the Appellant to speak with Human Resources, at the very least to find out if she had any options to leaving work when she did.

[48] The Commission says the Appellant could have explored the possibility of recourse under the Human Rights statutes. Since the Appellant indicated she had contacted the Human Rights Commission on March 11, 2020; September 14, 2020; April 7, 2023; and October 14, 2023, I think this was an option she was familiar with.[21]

[21] The Appellant listed the Human Rights Commission and the dates provided as part of the list of filings under the cybercrime complaint and investigation, at GD8-3.

So, if she believed she was being harassed at her workplace, it would have been a reasonable option for her to file a complaint with the Human Rights Commission before she left her job since she had familiarity with this process.

[49] The Commission also says if there was an active investigation involving her employer, the Appellant could have asked for a leave of absence until the investigation concluded. I find that this would have been a reasonable alternative for the Appellant to explore. She says she didn't look into this option because she didn't know it was a possibility.

[50] I also find it would have been a reasonable alternative for the Appellant to look for and try to get another job before leaving this one. She says she was experiencing stress but didn't say she had been under a doctor's care or had been advised by a medical professional that she had to leave her job.

[51] When I consider all the circumstances that existed when the Appellant stopped working, I find that, on a balance of probabilities, the Appellant hasn't proven she had just cause for voluntarily leaving her employment. The Appellant had reasonable alternatives of discussing her options with human resources or upper management, filing a human rights complaint, asking for a leave of absence, or looking for another job before she quit.

[52] Accordingly, I find the Appellant's decision to leave her job does not meet the test of just cause to voluntarily leave employment as required by the EI Act and the case law described above.

Conclusion

[53] I find that the Appellant is disqualified from receiving benefits. She hasn't proven she had just cause for voluntarily leaving her employment.

[54] This means that the appeal is dismissed.

Rena Ramkay

Member, General Division – Employment Insurance Section