



Citation: *AL v Canada Employment Insurance Commission*, 2025 SST 128

Social Security Tribunal of Canada
General Division – Employment Insurance Section

Decision

Appellant: A. L.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission
reconsideration decision (696537) dated December 20,
2024 (issued by Service Canada)

Tribunal member: Linda Bell

Type of hearing: Teleconference

Hearing date: January 22, 2025

Hearing participant: Appellant

Decision date: January 28, 2025

File number: GE-25-61

Decision

[1] A. L. is the Appellant. I am dismissing his appeal.

[2] The Appellant hasn't shown just cause (in other words, a reason the law accepts) for quitting his job when he did. This means he is disqualified from receiving Employment Insurance (EI) benefits, for this reason.

Overview

[3] The Appellant's last day worked was August 15, 2024. He stopped working due to a shortage of work and for a medical leave. He received short-term disability benefits. Then on September 3, 2024, he applied for regular EI benefits. The Commission started his claim effective September 15, 2024.

[4] The Commission looked at the Appellant's reasons why he didn't return to work after his recovery. The Commission decided the Appellant had voluntarily left (or chose to quit) his job without just cause. This means the Commission wasn't able to pay him regular EI benefits. The Commission imposed a stop payment (disqualification) starting September 15, 2024.¹ Upon reconsideration, the Commission maintained its decision.

[5] The Appellant disagrees with the Commission. He appeals to the Social Security Tribunal. I must decide whether the Appellant has proven he had no reasonable alternative to leaving his job when he did.

Issues

[6] Did the Appellant voluntarily leave his job?

[7] If so, did the Appellant have just cause for leaving?

¹ See page GD6-1 where the Commission explains the date of disqualification.

Analysis

Voluntary Leaving

[8] The parties agree that the Appellant voluntarily left his job on September 5, 2024.

[9] The Appellant said that he made a choice not to return to work after his medical leave. He said he felt his employer misled him when they told him to come in and pick up his Record of Employment (ROE) and a pay cheque. He expected to find a cheque from Manulife for his short-term disability (STD), but there was no money. Instead, there was only a pay stub and his ROE. So, when he was recalled for work after his medical leave ended, he chose to quit.²

[10] So, I find it as fact that the Appellant voluntarily left his job on September 5, 2024.

Just Cause

[11] The parties don't agree that the Appellant had just cause for voluntarily leaving his job when he did.

[12] The law says that you are disqualified from receiving regular 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 he had just cause. The Appellant 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.⁵

² See the text messages at pages GD3-29 and GD3-30.

³ Section 30 of the *Employment Insurance Act* (EI Act) explains this.

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

⁵ See *Canada (Attorney General) v White*, 2011 FCA 190 at para 4.

[15] When I decide whether the Appellant had just cause, I have to look at all of the circumstances that existed at the time he quit.⁶ Then the Appellant has to show that he had no reasonable alternative to leaving at that time.⁷

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

[16] The Appellant said he quit his job for the following reasons.

- The employer misled him when they told him to come pick up his ROE and a pay cheque. He thought it may be a cheque from his wage loss insurance. When he arrived, he found his ROE and a pay stub, but no cheque.
- The ROE says shortage of work and medical leave. So, he believes he should be entitled to benefits because his ROE doesn't say quit.
- He had no money for fuel to drive the 20 km to work, he found the work environment was chaotic, and the employer was working with a foreign government to poison his truck.
- He had been dealing with skin abscesses for three years. He believes these health issues were caused by some chemical in the truck he drove at this job.⁸

[17] The Appellant testified that he didn't ask his employer for assistance with his financial circumstances. He was upset that he had to use his gas to pick up his ROE and a pay stub, when he had no money. So, he made the personal choice to quit.

[18] The Appellant said that his doctor didn't tell him to quit his job. The doctor only gave him two weeks off work. He argued that the employer was wrong to say he had only a "little skin infection," because he had several huge abscesses.

⁶ See section 29(c) of the EI Act.

⁷ See section 29(c) of the EI Act.

⁸ Paragraph 29(c)(iv) of the EI Act states there is just cause for voluntarily leaving when the working conditions constitute a danger to a claimant's health or safety, but only if the claimant had no reasonable alternative to leaving.

[19] During the hearing, the Appellant provided a new reason why he quit his job. He said that his employer discriminated against him. Specifically, he had read in the appeal documents that the employer told the Commission he had a mental health problem, so he believes that is discrimination.

[20] The Appellant said that the work environment was chaotic because the truck he drove was parked at the side of the road, where there were people nearby. At times he had to drive another truck and someone else drove his regular truck.

[21] When determining if his leaving was justified, I can only consider the facts that existed at the time the Appellant quit his job.⁹ The Appellant quit his job on September 5, 2024, and the employer didn't speak to the Commission until September 4, 2024, which is after he had quit. There is no other allegation of discrimination. This means the Appellant's complaint of discrimination can't be considered here, because it didn't exist at the time he quit.

[22] Further, it is not the code written on a ROE that determines whether the Appellant quit their job or there is another disqualifying circumstance. Although the ROE may list a contentious or noncontentious reason for separation, it is the facts of the case that leads to a finding of voluntary leaving without just cause and a disqualification from benefits.¹⁰

[23] Accordingly, I find the Appellant's belief that his skin abscesses were being caused by something in the company truck, and his anger that he drove to work only to find a pay stub and not a cheque, is what ultimately led him to make the choice to quit his job. I must now consider whether he had no reasonable alternatives but to leave when he did.

⁹ See *Canada (Attorney General) v. Lamonde*, 2006 FCA 44.

¹⁰ See paragraph [8] in *Vuong v Canada (Attorney General)*, 2021 FCA 221.

– **Reasonable alternatives**

[24] I find that when considering all the circumstances that existed at the time the Appellant quit, even cumulatively, he had reasonable alternatives to leaving when he did. This means the Appellant hasn't shown he had just cause for leaving his job.

[25] I agree with the Commission's submissions that the Appellant had reasonable alternatives to quitting his job. Specifically, he could have talked to his doctor to find out if he could continue his short-term disability, which was initially approved until September 15, 2024. He also could have requested a formal leave of absence or further accommodations from his employer, exploring other transportation options to address his financial constraints, as well as discussing workplace health concerns with his employer to identify potential remedies.

[26] If the Appellant couldn't make other arrangements for transportation to work, he could have asked his employer for a pay advance so he could have continued working, while he searched for and secured another job prior to leaving.

[27] There is no objective medical evidence to prove that the Appellant's job caused his medical condition or prevented that condition from being under control. Also, there is no objective evidence to show the Appellant's health issues were so bad that he couldn't continue working. He admits that he had continued working when having big headaches and several skin infection sites in the past.

[28] There isn't sufficient evidence to prove the Appellant had to leave his job due to harassment. The only example he provided was the employer's response to the Commission's questions about why they thought the Appellant quit. That doesn't constitute harassment under the EI law. If he wishes to pursue a complaint about harassment, there are other forums where he may choose to seek a remedy.

[29] It is clear the Appellant was upset when there wasn't any money waiting for him to pick up, which caused him to quit immediately. So, I find he made a personal choice to quit at that time.

[30] Although quitting his job may have been a good personal choice for the Appellant, that doesn't prove just cause. The Courts have consistently held that the overall purpose of Employment Insurance is to provide benefits to those who have not caused their own unemployment when this was not the only reasonable alternative.¹¹

[31] For the reasons set out above, I find that when considering all the circumstances that existed at the time the Appellant quit, even cumulatively, he had reasonable alternatives to leaving when he did. This means the Appellant didn't have just cause for leaving his job. So, he is disqualified from receiving regular EI benefits.

Conclusion

[32] The appeal is dismissed.

[33] The Appellant voluntarily left his job without just cause. This means he is disqualified from receiving regular EI benefits, for this reason.

Linda Bell

Member, General Division – Employment Insurance Section

¹¹ See *Uvaliyev v Canada (Attorney General)*, 2021 FCA 222 and *Canada (Attorney General) v Campeau*, 2006 FCA 376.