



Citation: *TK v Canada Employment Insurance Commission*, 2025 SST 250

Social Security Tribunal of Canada
General Division – Employment Insurance Section

Decision

Appellant: T. K.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission
reconsideration decision (698174) dated January 14, 2025
(issued by Service Canada)

Tribunal member: Edward Houlihan

Type of hearing: Teleconference

Hearing date: February 25, 2025

Hearing participant: Appellant

Decision date: March 11, 2025

File number: GE-25-411

Decision

[1] The appeal is dismissed. The Tribunal disagrees with the Claimant.

[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 to take a program at college and applied for EI benefits. The Canada Employment Insurance Commission (Commission) 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 have to 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 tried to get a referral to the program which would allow him to be eligible for EI benefits while studying. He could have asked if he could work and study part-time or he could have continued working instead of going to school.

[6] The Appellant disagrees and states that he had to pursue his education to improve his job prospects. He has paid into the Employment Insurance fund for many years and should be able to access it for schooling like many others do. He and his family are encountering serious financial difficulties while he attends school.

Issue

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

[8] To answer this, I first have to address the Claimant'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 quit on September 12, 2024, to take a program at college. I see no evidence to contradict this.

What it means to have just cause

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

[11] The law says that you are disqualified from receiving benefits if you left your job voluntarily and you didn't have just cause.¹ Having a good reason for leaving a job isn't enough to prove just cause.

[12] 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.²

[13] It is up to the Appellant to prove that he had just cause.³ 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. When I decide whether the Appellant had just cause, I have to look at all of the circumstances that existed when the Appellant quit.

¹ Section 30 of the *Employment Insurance Act* (Act) sets out this rule.

² See *Canada (Attorney General) v White*, 2011 FCA 190; and section 29(c) of the Act.

³ See *Canada (Attorney General) v White*, 2011 FCA 190.

Referral to take a program

[14] Sometimes, the Commission (or a program the Commission authorizes) refers people to take training, a program, or a course. One of the circumstances I have to consider is whether the Commission referred the Appellant to take his program.

– The parties agree that there was no referral

[15] In his evidence the Appellant explained that he was accepted into the program a few weeks after classes had started. He said he had to quit his job to take the program.

[16] He saw the program as an important opportunity for him to get a better job and provide more support for his young family. He couldn't delay or wait to try to get a referral to the program.

[17] He says that he is prepared to put in the long hours in the program as well as the long commute to the college every day to build his career. He says he just needs benefits to help with the serious financial difficulties he and his family are experiencing while he takes his training.

[18] I understand that the Appellant has good reasons for choosing to leave his job to take training. He is working towards a better career. Unfortunately, this is a personal choice, and , without a referral to the program, it goes against the idea behind the Employment Insurance plan.⁴

[19] The cases say that, if you quit your job just to take training without a referral, you don't have just cause for leaving your job.⁵

[20] The parties agree that the Appellant didn't get a referral to take training. The program was the only circumstance relating to the Appellant's decision to quit. So, the case law applies to the Appellant. This means that the Appellant doesn't have just cause.

⁴ See *Canada (Attorney General) v Beaulieu*, 2008 FCA 133.

⁵ See *Canada (Attorney General) v Caron*, 2007 FCA 204.

Conclusion

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

[22] This means the appeal is dismissed.

Edward Houlihan

Member, General Division – Employment Insurance Section