



Citation: *NM v Canada Employment Insurance Commission*, 2025 SST 648

Social Security Tribunal of Canada
General Division – Employment Insurance Section

Decision

Appellant: N. M.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission
reconsideration decision (722719) dated March 11, 2025
(issued by Service Canada)

Tribunal member: Adam Picotte

Type of hearing: Teleconference

Hearing date: April 2, 2025

Hearing participants: Appellant

Decision date: April 2, 2025

File number: GE-25-890

Decision

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

[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 November 8, 2024. He did this while in receipt of medical EI. On February 1, 2025, the Appellant applied for regular EI benefits. 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 without just cause, so it wasn't able to pay him benefits.

[4] I must 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 applied for other work in Newfoundland and Labrador, followed up with his employer about the harassment, or maintained his residence in Newfoundland so that he could return to work with his former employer.

[6] The Appellant states that he is not a regular EI user and was close to retirement, so he felt he had to end his employment relationship. He also says that moving to Ontario made sense as he was able to live with his son.

Issue

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

[8] 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

[9] I accept that the Appellant voluntarily left his job. The Appellant agrees that he quit on November 7, 2024. I see no evidence to contradict this.

The parties don't agree that the Appellant had 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.

[14] The Appellant says that he left his job because of stress caused by being harassed in the workplace. The Appellant says that he had no reasonable alternative to leaving at that time because the workplace was too stressful, and he was getting close to retirement age.

¹ Section 30 of the *Employment Insurance Act* (Act) explains this.

² See *Canada (Attorney General) v White*, 2011 FCA 190 at para 3; and section 29(c) of the Act.

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

[15] The Commission says that the Appellant didn't have just cause, because he had reasonable alternatives to leaving when he did. Specifically, it says that the Appellant could have done the following:

- followed up with his employer about the harassment investigation;
- obtained alternate employment before quitting; or
- not moved to Ontario and therefore returned to his employer instead of resigning his position.

[16] I find that the Appellant had reasonable alternatives available.

[17] When the Appellant filed a harassment complaint against the quality control officer, his general manager was out of office. He understood it would be followed up on by the next Monday when he returned. However, nothing further came of this. However, the Appellant did not follow up with his manager to find out the status of the investigation. He also did not follow up with human resources to see what the outcome of the investigation was. These were reasonable alternatives available to the Appellant.

[18] The Appellant could also have applied for alternate positions instead of quitting when he did. I understood from the Appellant that he did not do so because when he was harassed in 2021, he did attempt to find alternate work but was unable to secure any positions. However, not having applied in 2024, was not reasonable.

[19] Finally, the Appellant made a choice to move to Ontario. He could have requested financial assistance from family members instead of simply moving to Ontario. The fact he made this choice, limited his ability to return to his former employment. This again was not reasonable for the Appellant to do in the circumstances.

Conclusion

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

[21] This means that the appeal is dismissed.

Adam Picotte

Member, General Division – Employment Insurance Section