



Citation: *SS v Canada Employment Insurance Commission*, 2025 SST 765

Social Security Tribunal of Canada
General Division – Employment Insurance Section

Decision

Appellant: S. S.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission
reconsideration decision (698571) dated January 30, 2025
(issued by Service Canada)

Tribunal member: Rena Ramkay

Type of hearing: Teleconference

Hearing date: March 11, 2025

Hearing participant: Appellant

Decision date: March 18, 2025

File number: GE-25-577

Decision

[1] The appeal is allowed. This means I agree with the Appellant.¹

[2] The Appellant has shown just cause (in other words, a reason the law accepts) for leaving his job when he did. The Appellant had just cause because he had no reasonable alternative to leaving. This means he isn't disqualified from receiving Employment Insurance (EI) benefits.

Overview

[3] The Appellant left his job on August 19, 2024, to complete Level 1 apprenticeship training as a Heavy Equipment Technician. He applied for EI benefits on August 26, 2024. The Canada Employment Insurance Commission (Commission) decided 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 the Appellant could have remained employed until he was eligible to attend apprenticeship training through his employer. Or, it says he could have got authorization from a designated authority to leave his employment to complete the apprenticeship course.

[6] The Appellant disagrees and says he had a reference code to take the training. He says his employer would not allow him to go to school, so he had no choice but to leave his job to attend the training. He says he had been waiting since May 2023 to get into Level 1 training. He says he could not wait any longer to do the first block of training because he would not be able to complete the three years of on-the-job work

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."

experience required for the apprenticeship, since he now had less than four years remaining to finish the program.

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 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 August 19, 2024, to attend Level 1 training for his apprenticeship. 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.² 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.³

[13] It is up to the Appellant to prove that he had just cause.⁴ He has to prove this on a balance of probabilities. This means he has to show that it is more likely than not that

² Section 30 of the EI Act sets out this rule.

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

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

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.

– **The Appellant had a referral to training**

[14] Case law clearly says that, if you quit your job to take training without a referral, you don't have just cause for leaving your job.⁵

[15] When the Appellant applied for EI benefits on August 26, 2024, he provided his reference code for the apprenticeship training he started on August 26, 2024.⁶ He says the program offered him a seat to take Level 1 of the training program on August 6 or 7, 2024, and he was sent his reference code by email.

[16] The Commission acknowledges the Appellant provided a reference code for his training and says this shows he was attending bona fide apprenticeship training.⁷ This tells me that the Appellant and the Commission agree that he had a referral to take training. I accept that the Appellant's reference code is evidence of a referral to attend apprenticeship training.

[17] The referral only establishes that the Appellant was unemployed and capable of and available for work while attending training.⁸ The referral doesn't relieve the Appellant of his obligation to prove he had just cause for leaving his employment. I have to look at all of the circumstances and decide whether the Appellant had no reasonable alternative to leaving when he did.

– **Did the Appellant have reasonable alternatives to leaving when he did?**

[18] Even though the Appellant got a referral to take training, the Commission says the Appellant didn't have just cause, because he had reasonable alternatives to leaving when he did. Specifically, it says the Appellant could have remained employed until he

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

⁶ See GD3-5.

⁷ See the Canada Employment Insurance Commission's (Commission) representations at GD4-3.

⁸ See section 25(1)(a) of the EI Act.

was eligible to attend apprenticeship training through his employer or he could have got authorization from a designated authority to leave his employment to attend the training.

[19] The Commission says the Appellant's employer told it that another employee was already off doing his apprenticeship training and they could not accommodate the Appellant being off at the same time. The employer told the Appellant he could do his training in 12 to 18 months and if he didn't want to wait, he would have to quit.

[20] The Commission says the Appellant didn't have authorization to leave his employment either from a designated authority or his training institution. It says he made a personal choice to leave his job to attend this training, which doesn't amount to just cause.

[21] The Appellant disagrees and says he had no reasonable alternative to leaving when he did because his employer would not let him take the training. His employer told him he could do the training in 12 to 18 months. He had already been waiting over a year to get into the training. The Appellant says his time would run out to complete the apprenticeship program if he waited 12 to 18 months to start.

[22] The Appellant was accepted into the heavy equipment technician program in May 2023. The program had to be completed within five years, or by May 2028. He says the program required three years of on-the-job work experience and it allowed him to carry over one year of previous work he completed before starting the training. He says he had worked for two years already as a mechanic and if he waited until his employer let him go on training, he would have more than three years of experience, but more than two years of experience would be lost because the program only allows him to carry over one year.

[23] If he waited 18 months to start the program, which would be in February 2026, the Appellant says it would be difficult to complete all the program requirements, the three years of on-the-job work experience (or two years if his prior year was counted) and two more training programs, by May 2028.

[24] The Appellant testified that he asked his supervisor for time off to attend the training as soon as he received the invitation and reference code. When he wasn't given permission by his employer, he asked if he could get a leave of absence to do it. His employer would not give him a leave of absence, so he felt he had no option but to quit on August 19, 2024.

[25] The training was scheduled from August 26 to October 18, 2024. The Appellant testified he was in class from 8:00am to 3:00pm Mondays through Fridays. At the hearing, the Appellant said he might have been able to work on the weekends, but his college instructor told him he wasn't allowed to if he wanted to collect EI benefits.

[26] The Appellant says his supervisor told him he could contact the employer once he finished his training to see if they had work and, if so, they would take him back. But this is no guarantee of a job because he would have had to ask for a job and his employer didn't have to give him one.

[27] The Appellant applied for another job while he was in training. He says the new employer wanted him to finish his Level 1 training before starting work. He testified that he was hired on October 28, 2024, although he had drug testing and driving exams to complete before he officially started working on November 9, 2024.

– **The Appellant had no reasonable alternatives to leaving when he did**

[28] I find that the Appellant had no reasonable alternatives to leaving his job when he did for the reasons I give below.

[29] I find the Appellant's testimony to be credible. He was honest and forthcoming when testifying and responding to questions. And his testimony at the hearing was consistent with what he told the Commission.

[30] I don't find it was a reasonable alternative for the Appellant to remain employed and wait another 12 to 18 months to begin his Level 1 training, which was the option his employer gave him. The Appellant had already waited over a year after being accepted

in the program to begin his Level 1 training. This meant his time to complete the program was shortened to less than four years, from August 2024 to May 2028.

[31] If he delayed his Level 1 training up to 18 months, as his employer suggested he could, he would have worked for over three years as a mechanic but would be able to use only one year toward his program requirements. This means he would have to complete the other two levels of training and two more years of on-the-job work experience between February 2026 and May 2028.

[32] I am satisfied that delaying up to 18 months (until February 2026) to start his program would increase the risk that he would not complete all program requirements before May 2028. So, I don't find it was a reasonable option for the Appellant to wait until his employer allowed him to do training.

[33] The Appellant tried to keep his employment by requesting a leave of absence so he could attend the training after his employer would not support his apprenticeship training in August 2024. But his employer said no. So, I find that a leave of absence wasn't a reasonable alternative to leaving his job.

[34] I find the Appellant could not reasonably continue working while in training. His obligation to attend referred training required his presence in the classroom from 8:00am to 3:00pm Mondays through Fridays. These hours overlapped with his employer's hours so I am satisfied that he would not have been able to do both.

[35] The Commission says it was a reasonable alternative for the Appellant to get permission, or authorization, to quit to attend the training before he left. It says he could have got authorization to quit his job from a designated authority.

[36] The Appellant testified that he didn't know anything about having to get authorization to quit his job to do training. He says the Commission told him he needed this proof after he had already completed his training.⁹ He says the college won't

⁹ The appeal files shows that the Commission first asked the Appellant for proof he was advised to quit by a designated referral authority when it reconsidered his claim on January 22, 2025, three months after he had finished his training, at GD3-33. I see the Commission mentioned authorization to quit by a

backdate a letter after the fact. He would have had to ask before he took the training. And had he known he needed this, he says he would have asked for it before he quit.

[37] I find that, because the Appellant wasn't asked to provide proof of authorization to leave his employment until after he had completed his training, it wasn't reasonable for him to get the document before he quit.

[38] The *Employment Insurance Act* doesn't require that a person receive authorization to voluntarily leave their employment when referred to training. This may be the Commission's practice, but it isn't the law. In other words, having just cause to quit doesn't depend on having a letter or authorization saying you can quit to start training.

[39] I am satisfied that the Appellant was on a referred, or authorized, training program, he had no option but to leave when his employer would not approve his attendance at the training or give him a leave of absence to attend because this would have put at risk his ability to complete the program, and it wasn't reasonable for him to work while attending the training.

[40] After considering all the circumstances together, I find the Appellant didn't have any reasonable alternative to leaving his employment when he did. As a result, I find that he had just cause for voluntarily leaving his employment.

Conclusion

[41] I find that the Appellant isn't disqualified from receiving EI benefits.

[42] This means the appeal is allowed.

Rena Ramkay

Member, General Division – Employment Insurance Section

designated authority in its call to the Appellant on October 8, 2024, at GD3-25. But there is no indication that what this meant was explained to the Appellant. And the call log doesn't say that the Commission asked him to provide one.