

The claimant quit due to unspecified personal issues, not due to any employer action. Therefore, she did not establish good cause attributable to the employer or urgent, compelling and necessitous reasons to leave. She is ineligible for benefits pursuant to G.L. c. 151A, § 25(e)(1).

**Board of Review
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Issue ID: 334-FHJL-L57N

Introduction and Procedural History of this Appeal

The claimant appeals a decision by a review examiner of the Department of Unemployment Assistance (DUA) to deny unemployment benefits. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

The claimant resigned from her position with the employer on November 15, 2024. She filed a claim for unemployment benefits with the DUA, effective December 8, 2024, which was approved in a determination issued on January 11, 2025. The employer appealed the determination to the DUA hearings department. Following an initial hearing on the merits attended by both parties and a continued hearing attended only by the employer, the review examiner overturned the agency's initial determination and denied benefits in a decision rendered on April 1, 2025. We accepted the claimant's application for review.

Benefits were denied after the review examiner determined that the claimant voluntarily left employment without good cause attributable to the employer or urgent, compelling, and necessitous reasons and, thus, was disqualified under G.L. c. 151A, § 25(e)(1). After considering the recorded testimony and evidence from the hearing, the review examiner's decision, and the claimant's appeal, we remanded the case to the review examiner to give the claimant a further opportunity to provide evidence. Both parties attended the remand hearing. Thereafter, the review examiner issued her consolidated findings of fact. Our decision is based upon our review of the entire record.

The issue before the Board is whether the review examiner's decision, which concluded that the claimant quit without good cause attributable to the employer or urgent, compelling, and necessitous reasons, is supported by substantial and credible evidence and is free from error of law, where, after remand, the review examiner found that the claimant left her employment due to personal issues.

Findings of Fact

The review examiner's consolidated findings of fact and credibility assessment are set forth below in their entirety:

1. The claimant worked full-time for the instant employer, a residential care provider, as a program manager from April 8, 2024, to November 15, 2024. The claimant's rate of pay was approximately \$23.00 per hour.
2. The claimant's job duties included, but were not limited to, managing staff of the facility, working with the residents' medical providers to obtain and document their medication, and ensuring the residents are receiving the care they require. The management position required that the claimant stay after hours if needed and be on-call for the facility.
3. At the beginning of the claimant's employment, due to the specific resident population care needs, the claimant found herself performing more direct care work with the residents than she thought she would be doing. There was a resident that required hospice level care for a period of time, and to maintain a proper ratio, the claimant was needed to provide residential direct care.
4. The claimant requested that the employer hire an assistant program manager to assist her and additional staff to help maintain the care ratio. An additional direct care worker was hired, and the employer agreed to hire an assistant program manager. The claimant also requested additional supervisory training. The claimant worked with the program supervisor to schedule additional training. The claimant was unable to schedule the training she was looking for.
5. The employer hired an assistant program manager for the claimant's facility. The claimant asked the assistant to cover the additional hours that needed to be covered. The assistant did not want to take on additional hours. The claimant was overwhelmed with the management position and did not want to do the additional hours required because she had young children at home, and the overnight on-call was becoming hard.
6. On or about the end of September, 2024, the claimant asked the program director if she dropped her position down to a relief staff position, would she still be able to work with the residents of her current facility. The program director told her that she was not sure if that was possible and asked the claimant if she was looking to drop down to a relief staff position. The claimant told the director about her being overwhelmed and not wanting to be on-call. The director told the claimant that she could not definitively say where she would work as a relief staff.
7. On September 23, 2024, the employer discovered that the claimant failed to document and provide newly prescribed medication to a client in the home since the previous Friday, September 20, 2024, resulting in the client not receiving their newly prescribed medications for several days.
8. On October 4, 2024, the claimant received a written warning for the September 23rd incident, with the result of additional training on the medical guidelines

and medical oversight from the assistant program director and the nurse manager.

9. On October 15, 2024, the claimant provided a written notice of resignation to her program supervisor. The claimant gave 11/15/24 as her final date of work and stated that she would be in favor of exploring the option of dropping down to a relief position. The claimant also spoke with the program director on that date and told her verbally that the reason for her leaving was due to personal issues, and that she felt that she was not meeting the needs of the clients in the home. The claimant told the director that she felt the clients deserved more than she was giving. The director told the claimant that in order to be considered for a relief position, she would need to work to her final date and be in good standing as of the time of consideration for the transfer.
10. The program director is the person responsible for approving or denying transfer requests. The employer follows a transfer policy, which states in pertinent part, that the employee must apply for the transfer in writing and must be in good standing at the time of consideration to receive a transfer.
11. On October 21, 2024, the employer discovered that a client's hospital discharge medication ordered on October 18, 2024, was not picked up at the pharmacy, resulting in the client not receiving their newly prescribed medications for several days. The claimant met with the program supervisor on October 21, 2024, and admitted that she spoke and texted with the on-call nursing director on October 18, 2024, and discussed obtaining the medication for the client on that Saturday. The claimant stated that they discussed getting the medication at two different pharmacies and then she believed that it was left that another employee was going to pick up the medicine.
12. The claimant received a final warning dated October 29, 2024, for the October 21st incident, which stated that the [claimant] was the on-call manager for the weekend of October 19, 2024, to October 20, 2024, and that she reported to the on-call director that a resident was being discharged from the hospital with a new medication. The warning stated that the on-call director instructed the [claimant] to pick up the medication at the preferred pharmacy, which was open on Saturdays until 3:00 p.m., and that [claimant] confirmed, in text, that she would call the preferred pharmacy on Saturday October 19, 2024, in the morning. The warning stated that [claimant] met with her supervisor and discussed the missed medication doses and why the medication was not on site. The warning stated [claimant] did not follow through on what was planned between her and the on-call director. The warning resulted in listed expected improvements and standards for the future. The final warning stated that any further violation of this or any other policy will result in disciplinary action up to and including termination. The claimant signed the final warning.
13. After receiving and reviewing the claimant's October 29, 2024, final warning, the program director informed the claimant's direct supervisor that the claimant

was not eligible to receive the requested transfer to a relief staff position. At the hearing, the program director could not remember the exact date she received her copy of the claimant's final warning form, but believed it was on or around the 29th.

14. The claimant testified that she was called into a meeting on November 14, 2024, with the program supervisor and on-call director, and presented with the final written warning for the October 21, 2024, medication incident on that date. The claimant stated that she verbally took responsibility for the resident not getting their medication, only because the following day was her final day as a manager and she believed that as of November 16, 2024, she would be employed as a relief staff worker, and she would be working for both the on-call director and program supervisor. The claimant stated that she did not read the final warning form or note the date and that she signed it on November 14, 2024. The claimant did not date her signature. She stated that her communication with the on-call director the weekend of October 19, 2024, was confusing and she believed that it was determined that another employee was going to pick up the medication, that fell through, and then she thought the on-call director took care of it. The claimant was spoken to on the following Tuesday about the situation.
15. On November 15, 2024, the claimant met with her program supervisor and a human resource representative to process her resignation, return her keys to the program, and review her payroll forms. The human resource director informed the claimant that due to having the warnings on her record, she was not in good standing and, therefore, she was not eligible for the transfer to the relief position. The claimant was told that she could reapply for the relief position directly in 90 days.

Credibility Assessment:

The program director credibly testified to speaking with the claimant about her decision to resign her management position and explaining the process for the transfer to a relief position.

The program director was not present for either the October 19, 2024, medication incident, the meeting regarding the claimant's final written warning, or the November 14, 2024, meeting.

The claimant is the only first-person source of testimony to the events underlying the final warning. However, when the claimant was cross-examined regarding what she was asked to do on the weekend of October 19, 2024, regarding obtaining the medication, the claimant testified that she could not remember the specifics of that day.

The claimant is the only first-person source of testimony to the events of the November 14, 2024, meeting. However, the claimant's testimony of not receiving the final warning until November 14, 2024, is not credible. She did not provide any

reason or motivation for her supervisor to hold the written warning back to the day before her final work date, nor is it reasonable that the claimant would verbally falsely take responsibility for an event that took place weeks prior and then sign a document she did not read.

Ruling of the Board

In accordance with our statutory obligation, we review the record and the decision made by the review examiner to determine: (1) whether the consolidated findings are supported by substantial and credible evidence; and (2) whether the review examiner's conclusion is free from error of law. Upon such review, the Board adopts the review examiner's consolidated findings of fact and deems them to be supported by substantial and credible evidence. We further believe that the review examiner's credibility assessment is reasonable in relation to the evidence presented. As discussed more fully below, we agree with the review examiner's legal conclusion that the claimant is not eligible for benefits.

Because the claimant left her employment, her qualification for benefits is governed by G.L. c. 151A, § 25(e), which provides, in relevant part, as follows:

[No waiting period shall be allowed and no benefits shall be paid to an individual under this chapter] . . . (e) For the period of unemployment next ensuing . . . after the individual has left work (1) voluntarily unless the employee establishes by substantial and credible evidence that he had good cause for leaving attributable to the employing unit or its agent . . . [or] if such individual established to the satisfaction of the commissioner that his reasons for leaving were for such an urgent, compelling and necessitous nature as to make his separation involuntary.

By its terms, these provisions of the statute specify that the claimant bears the burden to show that she is eligible for unemployment benefits.

Although the consolidated findings show that the claimant had concerns regarding her training, schedule, and work duties, she did not ultimately resign due to the employer's actions. Consolidated Findings ## 3–5, and 9. Therefore, the claimant has not established that she left her employment due to good cause attributable to the employer. *See Conlon v. Dir. of Division of Employment Security*, 382 Mass. 19, 23 (1980) (when a claimant contends that the separation was for good cause attributable to the employer, the focus is on the employer's conduct and not on the employee's personal reasons for leaving). Alternatively, we consider whether the claimant resigned due to urgent, compelling and necessitous reasons.

Our standard for determining whether a claimant's reasons for leaving work are urgent, compelling, and necessitous has been set forth by the Supreme Judicial Court. We must examine the circumstances in each case and evaluate "the strength and effect of the compulsive pressure of external and objective forces" on the claimant to ascertain whether the claimant "acted reasonably, based on pressing circumstances, in leaving employment." *Reep v. Comm'r of Department of Employment and Training*, 412 Mass. 845, 848, 851 (1992).

“[A] ‘wide variety of personal circumstances’ have been recognized as constituting ‘urgent, compelling and necessitous’ reasons under” G.L. c. 151A, § 25(e), “which may render involuntary a claimant’s departure from work.” Norfolk County Retirement System v. Dir. of Department of Labor and Workforce Development, 66 Mass. App. Ct. 759, 765 (2009), *quoting Reep*, 412 Mass. at 847 (1992). Here, the claimant notified the employer that she was leaving due to personal issues, and because she felt that she was not meeting the needs of the employer’s clients. Consolidated Finding # 9.

The Supreme Judicial Court has stated, “[s]ince domestic responsibilities can entitle a claimant to reject certain employment situations as unacceptable and restrict her work availability under § 24(b), we conclude that these same responsibilities also may constitute urgent and compelling reasons which make a resignation involuntary under G.L. c. 151A, § 25(e)(1).” Manias v. Dir. of Division of Employment Security, 388 Mass. 201, 204 (1983) (child-care demands may constitute urgent and compelling circumstances) (citations omitted).

Consolidated Findings ## 5–6 show that the claimant disliked some of the demands of her management position, such as working additional hours and being on-call. The claimant found her schedule difficult because she had young children. *See id.* These findings indicate that the claimant’s job perhaps interfered with the time she spent with her children, but there is no indication in the record that any such interference prevented the claimant from providing the proper care (*e.g.*, adequate supervision) to her children. There is nothing specific in the record as to what the personal issues were that caused the claimant to leave her employment. Consequently, the claimant has not established that she quit due to urgent, compelling and necessitous reasons.

We, therefore, conclude as a matter of law that the claimant has not met her burden to show that she resigned from the employer for good cause attributable to the employer or due to urgent, compelling, and necessitous circumstances pursuant to G.L. c. 151A, § 25(e).

The review examiner’s decision is affirmed. The claimant is denied benefits for the week beginning November 10, 2024, and for subsequent weeks, until such time as she has had at least eight weeks of work and has earned an amount equivalent to or in excess of eight times her weekly benefit amount.

BOSTON, MASSACHUSETTS
DATE OF DECISION - July 25, 2025



Charlene A. Stawicki, Esq.
Member



Michael J. Albano
Member

Chairman Paul T. Fitzgerald, Esq. did not participate in this decision.

**ANY FURTHER APPEAL WOULD BE TO A MASSACHUSETTS
STATE DISTRICT COURT
(See Section 42, Chapter 151A, General Laws Enclosed)**

The last day to appeal this decision to a Massachusetts District Court is thirty days from the mail date on the first page of this decision. If that thirtieth day falls on a Saturday, Sunday, or legal holiday, the last day to appeal this decision is the business day next following the thirtieth day.

To locate the nearest Massachusetts District Court, see:
www.mass.gov/courts/court-info/courthouses

Please be advised that fees for services rendered by an attorney or agent to a claimant in connection with an appeal to the Board of Review are not payable unless submitted to the Board of Review for approval, under G.L. c. 151A, § 37.

SVL/rh