

**Due to his highly stressful emergency department job, which caused anxiety and panic attacks, the claimant had an urgent, compelling, and necessitous reason to stop working, but he did not demonstrate any circumstances which prevented him from notifying the employer that he would not report for work. Held he was ineligible for benefits pursuant to G.L. c. 151A, § 25(e)(1).**

**Board of Review  
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**Issue ID: 334-FHK6-F58M**

Introduction and Procedural History of this Appeal

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

The claimant separated from his position with the employer in December 2024. He filed a claim for unemployment benefits with the DUA, effective December 15, 2024, which was denied in a determination issued on February 11, 2025. The claimant appealed the determination to the DUA hearings department. Following a hearing on the merits attended only by the claimant, the review examiner overturned the agency's initial determination and awarded benefits in a decision rendered on May 24, 2025. We accepted the employer's application for review.

Benefits were awarded after the review examiner determined that the claimant involuntarily left employment for urgent, compelling, and necessitous reasons, and, thus, he was not disqualified pursuant to G.L. c. 151A, § 25(e)(1). After considering the recorded testimony and evidence from the hearing, the review examiner's decision, and the employer's appeal, we remanded the case to the review examiner to afford both parties the opportunity to present evidence and to obtain additional evidence regarding the entities which reported wages during the base period of the claimant's unemployment claim.<sup>1</sup> Both parties attended the remand hearing. Thereafter, the review examiner issued his 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 is eligible for benefits because he resigned for the urgent, compelling, and necessitous reason of anxiety and panic attacks caused by his work environment, is supported by substantial and credible evidence and is free from error of law.

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<sup>1</sup> For some reason, a separate G.L. c. 151A, § 25(e), issue was created for the same separation from employment, both the present appeal and Issue # 334-FHK6-F66P, which named the claimant's employer as [Employer B]. The latter was appealed and heard before a different review examiner, who denied benefits in a decision rendered on July 19, 2025. The claimant appealed Issue # 334-FHK6-F66P to the Board, which denied review on August 28, 2025. Because the claimant did not appeal to the District Court, the disqualification from Issue # 334-FHK6-F66P remains in effect.

## Findings of Fact

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

1. From November 6, 2023, until November 30, 2024, the claimant worked as a part-time (24 hours per week) patient access representative for the employer, a hospital. The employer paid the claimant \$21 per hour. This was the claimant's only employment.
2. The claimant reported to both the employer's supervisor (the supervisor) and the manager.
3. On or around January 1, 2024, the employer was acquired by a medical center. This did not change the claimant's employment, and he continued working in his same capacity at the hospital.
4. The claimant worked at the hospital's emergency room department. The claimant found his job extremely stressful. Throughout his employment, the claimant had to interact with patients who were sometimes violent, aggressive, and who would scream at him, causing the claimant to experience stress and anxiety.
5. The claimant perceived that the employer's management did not care about his concerns regarding the conditions at work and that his work environment was toxic. The claimant also perceived that the employer had provided him with inaccurate information at the outset of his employment regarding raises and his opportunities for advancement.
6. As a result of his working conditions, the claimant developed anxiety and began to experience panic attacks. Around August 2024, the claimant was diagnosed with anxiety by his doctor and was prescribed anti-anxiety medications. The doctor also recommended that the claimant seek therapy.
7. The claimant then began seeing various therapists to try and manage his anxiety and to remain employed.
8. In August 2024, the claimant informed the supervisor that he was not in a good place and that he had been experiencing panic attacks.
9. The claimant's co-workers noticed that the claimant was not acting like he normally was at work and were concerned about his well-being.
10. The employer's lead (the lead), a union worker who is not part of management, prepared the employees' shift schedules, which are posted online several weeks in advance. The lead sometimes made errors when drafting the schedule.

11. On November 25, 2024, while driving, the claimant began to feel dizzy and almost passed out. The claimant emailed the manager, told her that he had been overcoming personal issues, and called out of his shift on November 26, 2024.
12. The claimant last worked for the employer on November 30, 2024.
13. The claimant never stated to anyone at the employer's workplace that he was thinking about hurting himself or anything similar.
14. During the night of December 4, 2024, the claimant did not sleep because he was caring for his roommate, who had suffered a head injury and was experiencing seizures.
15. On December 5, 2024, the claimant was scheduled to report to work at 3 p.m. The claimant, however, was not initially aware that he was scheduled to work that day due to confusion or a scheduling error.
16. On December 5, 2024, the claimant spent the day driving his roommate to various places.
17. On December 5, 2024, around 2:30 p.m., a co-worker texted the claimant while he was driving and informed him that he was scheduled to work at 3 p.m. that day. At 2:38 p.m., while still in his car, the claimant texted the supervisor and told her that he would be arriving 15 minutes late for work. The claimant then drove home and arrived there around 2:45 p.m. Upon arriving home, the claimant, who was experiencing vertigo and head spins, laid down on his bed with the intention of resting his eyes for approximately 5 minutes before driving to his workplace approximately 20 minutes away. The claimant, however, unintentionally fell asleep, remained sleeping for several hours, and did not report to his scheduled shift. This was the claimant's first no call no show.
18. On December 5, 2024, at 4:23 p.m., the lead texted the claimant. The text read, in relevant part, "Everything okay? You were suppose to come in at 3p and it's 4:23p. Just checking in."
19. The claimant did not read the lead's text message at the time because he was still sleeping.
20. On December 5, 2024, one of the claimant's co-workers, concerned about the claimant, contacted the police to conduct a wellness check on him.
21. On December 5, 2024, around 8 p.m., a police officer knocked on the claimant's door, waking up the claimant. The police officer told the claimant that someone from the employer had reached out to him, could not reach him, and ended up calling the police to check in on him.

22. The claimant subsequently checked his phone and noticed that he had no missed calls, texts, or emails from anyone from the employer's management. The claimant only had the 4:23 p.m. text message from the lead, which he had not replied to because he had not seen it until after the police officer's visit.
23. On December 5, 2024, the claimant felt targeted, mortified, humiliated, and experienced a panic attack following the police officer's visit. The claimant did not understand why the employer would send the police to his home after his first no call no show without management attempting to reach him first. The claimant was unaware that the employer had ever reached out to the police when prior employees had been no call no shows.
24. The employer does not have a specific policy of calling the police when an employee is a no call no show.
25. On December 6, 2024, the claimant was scheduled to work at 3 p.m. He got into his car and started driving to work. On his way to work, the claimant experienced another panic attack. The claimant felt that he could not breathe and started to cry. He pulled over, called his doctor, and described the symptoms he was feeling. The doctor told the claimant that he was most likely having a panic attack.
26. The claimant, due to his mental health conditions being exacerbated by his working environment, and experiencing adverse physical symptoms as a result, felt that he had no choice but to quit his employment.
27. On December 6, 2024, the claimant then turned around and went back home. He effectively quit his employment immediately by failing to return to any subsequent shifts.
28. Had the claimant not been visited by the police officer on December 5, 2024, causing ill effects to his health including a panic attack, he would not have quit his employment at the time.
29. The claimant did not request a leave of absence prior to quitting. He would have been eligible for federal Family and Medical Leave Act, Paid Family and Medical Leave in Massachusetts, and the employer's employee assistance program.
30. Sometime after turning around on December 6, 2024, the ERP called the claimant and asked him if he was on his way to work. After the claimant told her that he was not, the ERP told him that the employer would consider his actions to be a voluntary resignation. The claimant, who had never spoken with the ERP before, did not provide her with the reason as to why he was not reporting to work.

31. After quitting his employment, the claimant's anxiety-related symptoms subsided, and he stopped taking anti-anxiety medications.
32. The claimant filed a claim for unemployment benefits effective December 15, 2024.
33. The claimant's base period goes from the fourth quarter of 2023 through the end of the third quarter of 2024. The instant employer (the medical center) reported wages for the claimant during the last 3 quarters of the base period. The hospital, prior to the on or around January 1, 2024, acquisition, reported wages for the claimant during the last quarter of 2023 (first quarter in the base period) only.
34. On December 16, 2024, the ERP sent a letter to the claimant terminating his employment due to job abandonment.
35. On December 16, 2024, the claimant sent an email to the ERP. The email read, in relevant part, "[The manager] has not once tried to contact me. I have no voicemails, texts, or emails from her or any other management."

#### Credibility Assessment:

Although the ERP testified that she was not sure how the claimant could have been confused about his schedule, and the manager also testified that the schedules are posted in advance, the manager admitted that the lead sometimes made mistakes when creating such schedules. It is therefore concluded that the claimant's contention that he was unaware that he was initially scheduled to work on December 5, 2024, is credible, either because of confusion or due to a scheduling error. Furthermore, despite the manager testifying that she attempted to contact the claimant on December 5, 2024, she could not recall specifics of that call such as whether or not she left him a voicemail. Where the claimant consistently denied that he had received any calls, texts, or emails from management (including doing so in the December 16, 2024, email to the ERP), it is concluded that the only communication the claimant received on December 5, 2024, was a text message from the lead, a non-management employee.

Although the claimant complained about multiple aspects of his job, including a toxic work environment, management not caring about his concerns, and being provided with inaccurate information regarding raises and opportunities for advancement, the claimant admitted that he would not have quit at the time had the police not shown up at his home on December 5, 2024. As such, it is concluded that this incident (and the ill effects that it had on his health) was the main reason why the claimant separating [sic] from his employment.

#### 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. After such review, the Board adopts the review examiner's consolidated findings of fact except as follows. Throughout the consolidated findings, the review examiner refers to the employer as "the hospital." To the extent Consolidated Finding # 3 suggests that the medical center, which acquired the hospital, is not the employer, we reject it in light of Consolidated Findings ## 32 and 33, as explained below. In adopting the remaining findings, we deem 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. However, we reject the review examiner's legal conclusion that the claimant is eligible for benefits.

We agree with the review examiner that the claimant effectively resigned when he was a no-call, no-show again on December 6, 2025. *See* Finding of Fact ## 17, 25, and 27; *see also* Olechnicky v. Dir. of Division of Employment Security, 325 Mass. 660, 661 (1950) (upholding the Board of Review's conclusion that the failure of an employee to notify his employer of the reason for absence is tantamount to a voluntary leaving of employment within the meaning of G.L. c. 151A, § 25(e)(1)).

For this reason, the claimant's eligibility for benefits is properly analyzed pursuant to the following provisions under G.L. c. 151A, § 25(e), which state, in relevant part:

[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 of such an urgent, compelling and necessitous nature as to make his separation involuntary.

These statutory provisions expressly place the burden of proof upon the claimant.

As the review examiner noted in his credibility assessment, even though the claimant had numerous complaints about his working environment, he admitted that he would have continued working if he had not had the police officer visit and resultant panic attack. *See* Consolidated Finding # 28. Therefore, we consider only whether this incident created either good cause attributable to the employer or urgent, compelling, and necessitous reasons to resign.

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. Conlon v. Dir. of Division of Employment Security, 382 Mass. 19, 23 (1980). The claimant explained that when the police officer came to check on him on December 5, 2025, he felt mortified and humiliated. He assumed that the employer had contacted the police and felt targeted because it was his first no call-no show, and he was not aware of other employees getting a police visit when they were a no call-no show. *See* Consolidated Findings ## 21 and 23. However, the findings show that it was a coworker that took it upon herself to call the police to do a wellness check, not the employer. *See* Consolidated Finding # 20. Since the employer did not do anything to cause

the event which triggered the claimant's resignation, and, indeed, the record lacks any evidence that the employer was even aware of the call at the time, the claimant has not shown good cause *attributable to the employer* within the meaning of G.L. c. 151A, § 25(e)(1).

Alternatively, the claimant may show that urgent, compelling, and necessitous circumstances caused him to leave his job. 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)(1), 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 v. Comm'r of Department of Employment and Training, 412 Mass. 845, 847 (1992). Medical conditions are recognized as one such reason. *See* Dohoney v. Dir. of Division of Employment Security, 377 Mass. 333, 335–336 (1979).

Here, the record shows that the nature of the claimant's work in the highly stressful emergency department and his frustration with management's response to these and other concerns caused him to develop anxiety and panic attacks. *See* Consolidated Findings ## 4–6. He attempted to manage his condition with anti-anxiety medication and therapy but was not successful. *See* Consolidated Findings ## 6, 7, 11, 25, and 31. When he had another panic attack while driving to work on December 6, 2025, we agree that he could reasonably conclude that he needed to leave his job due to his medical condition. *See* Consolidated Findings ## 25 and 26.

However, in this instance, the claimant was not only absent from work. He failed to notify the employer that he would not be there.<sup>2</sup> In order to authorize the payment of benefits, we must also consider the claimant's reasons for not communicating with the employer. *See* Board of Review Decision 0076 1267 09 (Sept. 29, 2023) (although lack of transportation may have constituted an urgent, compelling, and necessitous reason for not being able to report for work, Board denied benefits because that did not explain why the claimant failed to notify the employer of his absences). Here, even if the claimant reasonably believed that he was not able to work on December 6, 2024, or on the next few scheduled shifts due to his medical condition, we see nothing in the record that prevented him from notifying the employer that he could not report for work. In this regard, he has not shown that he acted reasonably, based on pressing circumstances.

We, therefore, conclude as a matter of law that the claimant has failed to meet his burden under G.L. c. 151A, § 25(e)(1), to show that he left work either for good cause attributable to the employer or due to urgent, compelling, and necessitous circumstances.

The review examiner's decision is reversed. The claimant is denied benefits for the week ending December 21, 2024, and for subsequent weeks, until such time as he has had at least eight weeks

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<sup>2</sup> We have supplemented the findings of fact, as necessary, with the unchallenged evidence before the review examiner. *See* Bleich v. Maimonides School, 447 Mass. 38, 40 (2006); Allen of Michigan, Inc. v. Deputy Dir. of Department of Employment and Training, 64 Mass. App. Ct. 370, 371 (2005).

of work and has earned an amount equivalent to or in excess of eight times his weekly benefit amount.

**N.B.** Consolidated Findings ## 32 and 33 show that it was the entity [Employer A], Inc., the appellant in the present appeal, that reported wages to the DUA for the last three quarters of the claimant's base period prior to filing this 2024-01 unemployment claim. Consolidated Finding # 3 provides that this entity acquired the hospital where the claimant worked on or around January 1, 2025. DUA records show that the hospital, [Employer B], reported wages only in the first quarter of his base period. *See* Consolidated Finding # 33. The DUA only adjudicates separations from interested party employers, which are any entities that employed a claimant during the last eight weeks of employment before the effective date of the claim.<sup>3</sup> As such, [Employer B] was not an interested party employer and Issue # 334-FHK6-F66P was opened in error. [Employer A] is the only interested party employer and the only employer entitled to appeal the payment of benefits in connection with the claimant's separation in December 2024. Nonetheless, in light of our decision today, this error has no effect.

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - December 15, 2025**



Charlene A. Stawicki, Esq.  
Member



Michael J. Albano  
Member

**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](http://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.

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<sup>3</sup> *See* G.L. c. 151A, § 25(e), and the DUA Adjudication Handbook (Rev. 3-1-20), Ch. 6, § 4.