

The claimant's working environment exacerbated her mental health issues. Because the employer's responses were inadequate to prevent the claimant's working conditions from being intolerable, the claimant demonstrated good cause attributable to the employer to resign under G.L. c. 151A, § 25(e)(1).

**Board of Review
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Issue ID: 352-MMJH-8K94

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 reverse.

The claimant resigned from her position with the employer on February 11, 2025. She filed a claim for unemployment benefits with the DUA, effective May 4, 2025, which was approved in a determination issued on June 25, 2025. The employer appealed the determination to the DUA hearings department. Following a hearing on the merits attended only by the employer, the review examiner overturned the agency's initial determination and denied benefits in a decision rendered on July 22, 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 afford the claimant an opportunity to testify. Both parties attended the remand hearing, which took place over two sessions. 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 voluntarily left employment 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, prior to resigning, the claimant had regularly informed the employer that she was experiencing ongoing struggles with work and her mental health.

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 as a home [sic] reduction program coordinator for the employer, a human services/public health organization, from May 17, 2021, through January 27, 2025.¹
2. The claimant worked for the employer, Monday through Friday, from 8:00 a.m. to 4:00 p.m.
3. The claimant worked with individuals who were homeless and dealing with addiction.
4. The claimant's supervisor was the harm reduction program manager (manager).
5. The claimant met weekly with the manager.
6. All of the supervision for the program the claimant worked at for the employer was virtual.
7. The claimant and other employees for the employer regularly reported to the employer that they were understaffed and needed additional support.
8. During the claimant's employment with the employer, numerous clients overdosed and died.
9. At the employer's site for the program where the claimant worked, the landlord would harass the clients by grabbing their bags, grabbing their bikes, by throwing things at the clients and by yelling at the clients. The landlord did not want the clients on the property.
10. At the employer's site for the program where the claimant worked, the landlord would harass the claimant and other employees for the employer.
11. The landlord would try to stop the clients from entering the premises at the employer's site for the program, where the claimant worked.
12. The landlord shut down the toilets for a month at the employer's site for the program, where the claimant worked, because he did not want the homeless clients to be on the property.
13. Someone cut the telephone cables and shut the water off at the employer's site for the program.
14. The landlord took pictures of staff members and clients and took a picture of the claimant in the bathroom.

¹ The first employer witness, who participated in the initial hearing only, testified that, at the time of her separation from employment, the claimant worked as a harm reduction program coordinator, while, during the remand hearing, the claimant testified that she had most recently worked as a harm reduction coordinator. We attribute the reference to the claimant's role as a "home reduction program coordinator" to be a mere scrivener's error.

15. The claimant and other employees for the employer regularly reported the harassment of the landlord.
16. The claimant started weekly therapy on January 18, 2024, due to her ongoing stress at work.
17. While working for the employer, the claimant was harassed by a male co-worker. The co-worker was discharged from his employment.
18. While working for the employer, the claimant was stalked by a maintenance man for the building where the claimant worked for the employer.
19. In November of 2024, the claimant was sexually assaulted by a client of the employer.
20. The employer banned the client who sexually assaulted the claimant from the site where the claimant worked.
21. After the sexual assault, the claimant was offered time off, provided access to the EAP, provided information regarding workers' compensation, provided information regarding paid family medical leave (PFML) and provided access to human resources.
22. The claimant did not access the EAP or apply for PFML.
23. The claimant was going to apply for workers' compensation, but was required to file a police report, and she did not want to do that.
24. The claimant had numerous conversations with her manager regarding her struggles with work and her mental health.
25. The claimant spoke with the employer's clinical supervisor regularly about her struggles with work and her mental health.
26. The claimant told the program director that she wanted to be dead.
27. The program director knew that the claimant was seeing a therapist and was struggling with her mental health when she left her job.
28. On January 27, 2025, the client who sexually assaulted the claimant died.
29. On or about January 27, 2025, the claimant took two weeks off (paid time off). The claimant took the time off for her mental health.
30. On February 11, 2025, the employer communicated to the claimant that she was being placed on paid leave by the employer to investigate whether the claimant

was having a personal relationship with a client, in violation of the boundaries policy.

31. The claimant was not told that she was being investigated for having a personal relationship with a client.
32. The claimant did not know why she was placed on administrative leave by the employer.
33. The claimant left her job on February 11, 2025, due to her mental health struggles, which were related to the stressful work environment, the lack of consistent on-site management, mistreatment by co-workers, frequent client deaths, the landlord harassing the staff and the clients, and the sexual assault.
34. The employer had no plan to discharge the claimant on February 11, 2025.
35. The claimant forwarded an email to the employer on February 11, 2025, that stated, "I am quitting."
36. The claimant did not request a leave of absence.
37. The claimant did not request a transfer.
38. The claimant became homeless sometime in February 2025.
39. On or about July 18, 2025, the claimant was hospitalized for her mental health and substance abuse.

Credibility Assessment:

The claimant provided credible testimony in the remand hearing. The claimant credibly testified in the hearing regarding her repeated traumas at work and her mental health struggles. The claimant credibly testified in the hearing that she did not know why the employer was investigating her and did not know that someone had reported that she was having a relationship with a client. The witness for the claimant provided credible testimony reinforcing the claimant's testimony that there was insufficient on-site managerial support for the program. The witness worked with the claimant on-site for a number of years. The witness quit her job with the employer in October 2025. The witness reinforced the claimant's testimony regarding the harassment by the landlord, the stalking by the maintenance man, the harassment by the co-worker and the sexual assault by the client. The witness did not know anything about the claimant having a relationship with a client.

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.

We reject the portion of Consolidated Finding # 14 that inaccurately states that the landlord took a photograph of the claimant in the bathroom, where the claimant’s witness provided unchallenged testimony that it was the landlord’s maintenance person who had taken a picture of her, not the claimant, while she was using the bathroom.² Consolidated Finding # 19 also contains an inaccuracy, since the claimant offered consistent, unrefuted testimony that the incident occurred in July, 2024, not November, 2024. Consolidated Finding # 23 mischaracterizes the claimant’s testimony, because she testified that the workers’ compensation contact had repeatedly “encouraged her” to file a police report, and there is nothing in the record to suggest that the claimant had been required to file a police report before she was able to submit a workers’ compensation claim. We further reject Consolidated Finding # 30, as it is inconsistent with Consolidated Findings ## 31 and 32 and unsupported by the record.

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, as discussed more fully below, we reject the review examiner’s legal conclusion that the claimant is ineligible for benefits.

Because the claimant resigned from her employment, we analyze her eligibility for benefits pursuant to G.L. c. 151A, § 25(e)(1), which provides, in pertinent 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. . . .

These statutory provisions expressly assign the burden of proof to the claimant.

Although the claimant testified that her mental health deteriorated in the months leading up to her resignation, she contended that these issues arose from her employment. Specifically, the claimant alleged that her mental health was adversely affected by a hostile work environment created by several stressors, including but was not limited to a lack of consistent on-site management, mistreatment by co-workers, and a landlord that harassed harm reduction program staff and clients.

² While not explicitly incorporated into the review examiner’s findings of fact, this testimony, the undisputed testimony referenced below, and Remand Exhibits 9, 10, and 11, are part of the unchallenged evidence introduced at the hearing and placed into the record, and they are thus properly referred to in our decision today. *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).

See Consolidated Finding # 33. When a claimant contends that the separation was for good cause attributable to the employer, the focus is on the employer's conduct, not on the claimant's personal reasons for leaving. Conlon v. Dir. of Division of Employment Security, 382 Mass. 19, 23 (1980).

General and subjective dissatisfaction with working conditions does not provide good cause to leave employment under G.L. c. 151A, § 25(e)(1). Sohler v. Dir. of Division of Employment Security, 377 Mass. 785, 789 (1979). However, "intolerable working conditions [which] has generally been understood to import substandard sanitation, temperature, ventilation, or other like factors which may contribute to the physiological discomfort or demise of exposed employees" does. Id.

Although not in the consolidated findings, the claimant offered unrefuted testimony that, while working for the employer, she experienced worsening mental health issues from the effects of stress and depression. The claimant also provided medical documentation from her therapist, which confirms that she was clinically diagnosed with depression, was at "frequent risk of burnout," and had begun participating in weekly therapy sessions on January 18, 2024, due to the ongoing stress she experienced at work. See Consolidated Finding #18; see also Remand Exhibit 9.³

The record is replete with specific examples provided by the claimant and her witness that describe the circumstances that they regularly encountered while working for the employer. In addition, the claimant provided letters of support from two former co-workers who attested to experiencing the same type of working conditions that are alleged by the claimant. See Remand Exhibits 10 and 11.⁴ While the consolidated findings do not adequately convey the breadth or depth of the testimonies provided by the claimant and her witness, the review examiner nonetheless accepted them as credible. Such assessments are within the scope of the fact finder's role, and, unless they are unreasonable in relation to the evidence presented, they will not be disturbed on appeal. See School Committee of Brockton v. Massachusetts Commission Against Discrimination, 423 Mass. 7, 15 (1996). "The test is whether the finding is supported by 'substantial evidence.'" Lycurgus v. Dir. of Division of Employment Security, 391 Mass. 623, 627 (1984) (citations omitted). "Substantial evidence is 'such evidence as a reasonable mind might accept as adequate to support a conclusion,' taking 'into account whatever in the record detracts from its weight.'" Id. at 627–628, quoting New Boston Garden Corp. v. Board of Assessors of Boston, 383 Mass. 456, 466 (1981) (further citations omitted). We believe that the review examiner's credibility assessment is reasonable in relation to the evidence presented.

Here, the consolidated findings, taken almost exclusively from the testimonies of the claimant and her witness, show that, during the claimant's employment: the employer provided the claimant and other harm reduction program employees virtual supervision; the claimant and other employees regularly reported to the employer that they were understaffed and needed additional support; the employer's landlord harassed harm reduction program clients and staff; the claimant was harassed

³ Remand Exhibit 9 is a summary prepared by the claimant's therapist, in which she provided dates of treatment and confirmed that weekly sessions with the claimant had included discussions about the claimant's stressors at work, such as "major understaffing, mistreatment by coworkers, lack of management involvement and assistance..."

⁴ Remand Exhibits 10 and 11 are the letters of support prepared by two former employees of the employer, who worked with the claimant in the employer's harm reduction program before they resigned from their respective positions.

by a male coworker; the claimant was stalked by a building maintenance man; and the claimant was sexually assaulted by a client. *See Consolidated Findings ## 6-7, 9-12, and 17-19.*

The employer did not challenge the assertion by the claimant and her witness that the employer's virtual supervision was insufficient, because it did not take place with individuals who performed harm reduction work or by those who had ever been physically onsite at the program. Nor did the employer challenge their testimony that it was for this reason they had regularly requested, to no avail, "real supervision," and "to have someone run our program and EAP [employee assistance program] who had actually done harm reduction work," "who can come to our site on a frequent basis . . . so they can understand the work that we do." *See Consolidated Findings ## 6-7.* The claimant's witness further elaborated without dispute that she had frequently requested support from the employer so that direct care staff would not have to address critical incidents, such as the landlord's harassment of harm reduction program employees and clients, and "never did the employer do anything to address these issues with us, or the landlord directly, to prevent them from happening." *See Consolidated Finding # 15.*

Additionally, the claimant and her witness acknowledged that, although there were times that the employer did address specific issues that arose, they asserted that, most times, the employer would dismiss or ignore employees' concerns entirely. For example, they did not dispute that the employer discharged the male coworker who harassed the claimant. *See Consolidated Finding # 17.* The claimant and her witness also agreed that, when the claimant was sexually assaulted by a client, the employer took steps that demonstrated a basic showing of support. *See Consolidated Findings ## 19-21.* However, the claimant and her witness testified without dispute that, when they reported the behavior of the building maintenance man towards the claimant, which included, but was not limited to, leaving notes on her car with his telephone number on it, the program director laughed, disregarded the reports, and did not discuss the matter with them any further. *See Consolidated Finding # 18.*

The letters of support, produced by two other former co-workers of the claimant, portray a similar picture of the employer's work environment. *See Remand Exhibits 10-11.* It is evident that, whatever actions the employer took in response to the claimant's concerns, they were inadequate to prevent the claimant's working conditions from being intolerable. *See Consolidated Findings ## 20 and 21.*

However, our analysis does not end here. The Supreme Judicial Court has held that an employee who voluntarily leaves employment due to an employer's action has the burden to show that she made a reasonable attempt to correct the situation or that such attempt would have been futile. *Guarino v. Dir. of Division of Employment Security*, 393 Mass. 89, 93-94 (1984).

Here, the review examiner found that the claimant did not request a leave of absence prior to resigning. Consolidated Finding # 36. However, although an employee is expected to make reasonable attempts to preserve her employment before quitting, the Supreme Judicial Court has expressly rejected the notion that, to be eligible for benefits, an employee is required to request a leave of absence. *Id.* In this case, the claimant had taken other steps to preserve her employment before submitting her resignation. She regularly reported to the employer that they were understaffed and needed additional support; she regularly reported the harassment of the landlord; she started weekly therapy; she had numerous conversations with her manager and clinical

supervisor about her struggles with work and her mental health; and she had taken two weeks' paid time off for her mental health, prior to the employer's decision to place her on paid leave. See Consolidated Findings ## 7, 15-16, 24-25, and 29. Under these circumstances, the claimant's efforts were reasonable.

We, therefore, conclude as a matter of law that the claimant has shown that she separated from employment for good cause attributable to the employer within the meaning of G.L. c. 151A, § 25(e)(1).

The review examiner's decision is reversed. The claimant is entitled to receive benefits for the week beginning February 9, 2025, and for subsequent weeks if otherwise eligible.



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BOSTON, MASSACHUSETTS
DATE OF DECISION - January 15, 2026



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

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.

JMO/rh