

**The claimant had good cause attributable to the employer to resign because the employer would not let her leave her shift to go to the hospital, when she was in pain and believed she needed emergency medical attention. Further attempts by the claimant to address the situation were futile after three supervisors told the claimant she could not leave without being suspended. The claimant is eligible for benefits pursuant to G.L. c. 151A, § 25(e)(1).**

**Board of Review  
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**Issue ID: 352-MP62-MDTT**

### 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 April 19, 2025. She filed a claim for unemployment benefits with the DUA, which was approved in a determination issued on June 12, 2025. The effective date of the claim is April 27, 2025. The employer appealed the determination to the DUA hearings department. Following a hearing on the merits attended by both parties, the review examiner overturned the agency's initial determination and denied benefits in a decision rendered on August 2, 2025. We accepted the claimant's application for review.

Benefits were denied after the review examiner determined that the claimant voluntarily left employment without showing good cause attributable to the employer or urgent, compelling, and necessitous reasons, and, thus, she was disqualified under G.L. c. 151A, § 25(e)(1). Our decision is based upon our review of the entire record, including the recorded testimony and evidence from the hearing, the review examiner's decision, and the claimant's appeal.

The issue before the Board is whether the review examiner's decision, which concluded that the claimant did not have good cause attributed to the employer to quit after the employer refused to allow her to leave her shift early for medical treatment at the emergency room, is supported by substantial and credible evidence and is free from error of law.

### Findings of Fact

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

1. The claimant worked full-time as a youth development professional from April 2024 through 5/3/25.

2. During the claimant's employment, she had multiple complaints about multiple issues. The claimant completed resignation forms on 6/20/24, 7/20/24, 11/9/24, 1/4/24 (sic), 1/24/25, 2/8/25, 3/7/25, 3/13/25, 3/21/25, 4/12/25, 4/16/25, and 4/18/25, but she always chose to continue working and not to separate from her position.
3. Although the claimant had issues with her supervisor in the past, the claimant woke up and went to work on 4/19/25 not intending to quit her job.
4. The claimant was not originally scheduled to work on 4/19/25.
5. The claimant's coworker asked her to work the night shift for her that day.
6. The claimant believed she had to work from 5:00 p.m. to 8:00 p.m.
7. During her shift, she learned that she was not scheduled to leave until 11:00 p.m.
8. The claimant started not to feel well and told her supervisors that she needed to leave to seek medical care.
9. The supervisors told her that she could not leave because it would leave the facility out of ratio. They told her she would be suspended if she left.
10. The claimant told the employer that she had to go to the hospital and if they did not let her leave that she would have to call an ambulance.
11. The claimant filled out a resignation form and indicated that she was quitting her job.
12. The employer advised the claimant to leave to seek medical care.
13. The claimant left work and was treated at the hospital for period cramps.
14. The employer accepted the claimant's resignation.
15. The claimant worked out her notice period. Her last day was 5/3/25.
16. After the claimant's last day of work, the Human Resource Manager asked her to return her badge and keys.
17. The claimant met with the Human Resource Manager on 5/5/25 and asked to rescind her resignation.

18. The employer told her that they had already accepted her resignation and she finished her last day of work and advised her that she could reapply if she was interested.
19. The claimant quit her job because the employer did not initially give her permission to leave work to go to the hospital on 4/19/25.
20. Prior to resigning, the claimant had only spoken to the Human Resource Manager on a few occasions. The claimant never mentioned the names of any individuals she had complaints about. One issue was about being asked to give a coworker rides to work. The Human Resource Manager encouraged the claimant to follow the chain of command when reporting any complaints.

### 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 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 findings of fact except as discussed below. In adopting the remaining findings, we deem them to be supported by substantial and credible evidence. However, we reject the review examiner's legal conclusion that the claimant was not entitled to unemployment benefits.

We note that Finding of Fact # 8 is incomplete, as it fails to mention that the claimant spoke to three supervisors, who all told her she could not leave. Similarly, Finding of Fact # 10 does not explain that the claimant had two separate conversations, at different times, with different supervisors about whether she could leave. Further, Finding of Fact # 12 is misleading insofar as it states that the employer advised the claimant to seek medical care, because it was the claimant who stressed that she needed to go to the hospital.

Since the claimant quit her employment, we analyze her eligibility for benefits under 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.

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). Therefore, we consider whether the employer's conduct created good cause for the claimant to resign.

The claimant resigned because the employer would not allow her to leave work to go to the hospital without facing suspension. *See* Finding of Fact ## 9 and 19. Instead of allowing the claimant to go to the hospital for medical treatment, the employer threatened her with a suspension because the employer would be below its required staffing ratio. *See* Finding of Fact # 9. In our view, prohibiting the claimant from leaving work during a medical emergency was inherently unreasonable conduct. Intolerable working conditions can constitute good cause to separate from one's employment. *See Sohler v. Dir. of Division of Employment Security*, 377 Mass. 785, 789 (1979). Here, it is undisputed that the claimant was experiencing pain during her shift on April 19, 2025. The severity of the pain and the ultimate diagnosis of the claimant's condition remain immaterial. We note that the employer's conduct in refusing to accommodate the claimant's reasonable belief that she was undergoing a medical emergency was enough to justify the claimant's voluntary separation for good cause attributable to the employer. Arguably, the claimant may have also had urgent, compelling, and necessitous reasons to involuntarily separate from her employer, risking suspension, in order to seek medical attention. *See, e.g., Carney Hospital v. Dir. of Division of Employment Security*, 382 Mass. 691 (1981) (rescript opinion) (nurse who left hospital because she believed that her work was causing a severe skin infection did not need to show causation in fact, but merely a reasonable belief that her work environment was causing the infection). We, therefore, conclude that the employer's behavior constituted good cause attributable to the employer to quit her employment.

However, our analysis does not stop there. 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). To satisfy this requirement, a claimant does not have to establish that she had no choice but to resign; she merely needs to show that her actions were reasonable. *Norfolk County Retirement System v. Dir. of Department of Labor and Workforce Development*, 66 Mass. App. Ct. 759, 766 (2006) (citation omitted).

In her decision the review examiner concluded that the claimant did not make reasonable attempts to correct the situation, because she could have asked Human Resources if she could leave early. We disagree. The claimant was told by three different supervisors that she could not leave that day. She could reasonably have concluded that further efforts to contact Human Resources (or any other person) at the employer would have been futile. It is also noted that at the time the claimant was working, Human Resources personnel would have already been gone for the day.

Additionally, the employer told her that she would be suspended if she left. *See* Finding of Fact # 9. When analyzing what is reasonable, we are also mindful that G.L. c. 151A must be "construed liberally in aid of its purpose, which purpose is to lighten the burden which now falls on the unemployed worker and his family." G.L. c. 151A, § 74. Here, the claimant quit her employment instead of accepting a suspension. We decline to penalize the claimant, who was told that she would be punished if she tried to leave work even in an emergency, and we think that the claimant

acted reasonably considering her employer's actions. We reiterate that the employer did not dispute the claimant's testimony about her need to go to the hospital.

We, therefore, conclude as a matter of law that the claimant resigned 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 April 27, 2025, and for subsequent weeks if otherwise eligible.



**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION -September 23, 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.

MR/rh