

**COMMONWEALTH OF MASSACHUSETTS**

**Middlesex, ss.**

**Division of Administrative Law Appeals**

**Y.L.,**

Docket No.: DET-25-0777

Petitioner

v.

**Department of Unemployment Assistance,**

Respondent

**Appearances:**

For Petitioner: Y.L., pro se

For Respondent: Jessica Cohen Todt, Esq.

**Administrative Magistrate:**

Judi Goldberg

**SUMMARY OF DECISION**

Petitioner appealed the Department of Unemployment Assistance's decision that they are ineligible to receive unemployment benefits. Taking a reasonable view of the facts in this case, the petitioner had urgent, compelling, and necessitous reasons for leaving their job and took reasonable steps to preserve their employment. Accordingly, the Department of Unemployment Assistance's decision is reversed.

**DECISION**

Pursuant to G.L. c. 151A, § 40, petitioner Y.L. appealed the decision by respondent Department of Unemployment Assistance (DUA) that they are ineligible for unemployment insurance benefits because they failed to take reasonable steps to preserve their employment. I conducted and recorded a remote hearing on March 11, 2026. Y.L. testified on their own behalf and their supervisor testified for DUA. I entered Exhibits 1-23 into evidence. Y.L. offered a closing argument during the hearing. DUA submitted its closing brief on March 23, 2026, at which point I closed the administrative record.

### **Findings of Fact**

Based on the evidence in the record and reasonable inferences drawn from it, I make the following findings of fact:

1. Y.L. began treatment for lung cancer in 2018. They currently have stage four metastatic lung cancer that has spread to their bones. (Ex. 1; Y.L. Testimony.)

2. Y.L.'s cancer treatment includes chemotherapy, which they will receive for the rest of their life. If their blood pressure is high, they are unable to receive this treatment. (Y.L. Testimony.)

3. Y.L. began working for DUA on May 29, 2021, as a customer service representative. DUA is part of the Executive Office of Labor and Workforce Development (EOLWD). (Exs. 1, 2.)

4. Y.L. handled incoming calls from claimants about the status of their unemployment insurance claims. If a claimant had an immediate concern they needed addressed, Y.L. placed them on an escalation list for expedited treatment. Some claimants were very frustrated with the process. (Y.L. Testimony.)

5. Between 2024 and 2025, Y.L. received two written warnings, a one-day suspension, and a two-day suspension. Despite these disciplinary actions, Y.L. was not at risk of losing their job. (Exs. 20-23; Supervisor Testimony.)

6. In late 2024, Y.L. requested a reasonable accommodation to allow them to work remotely from their home five days per week. Y.L. requested this accommodation because they were unable to drive or take public transportation. A reasonable accommodation assists a person with a disability to perform the essential functions of their job. (Ex. 12; Y.L. Testimony.)

7. Dennis Johnson is the Director of Diversity and the Americans with Disabilities Act and Section 504 Act Coordinator for EOLWD. He authored the responses to Y.L.'s requests for reasonable accommodations. (Exs. 12, 13; Y.L. Testimony.)

8. As part of the accommodation application process, Y.L. provided Mr. Johnson with documentation from their healthcare provider about their medical condition. (Ex. 12; Y.L. Testimony.)

9. Mr. Johnson granted Y.L.'s request on January 14, 2025, approving them to work from home starting on February 17, 2025. He initially granted this accommodation for three months but at Y.L.'s request later extended the accommodation through May 2026. Y.L.'s supervisor received the letters approving the accommodation. (Exs. 12, 13.)

10. On September 11, 2025, Y.L. submitted a request for an additional accommodation in the form of leave for at least five days per month. The accommodation request form directed Y.L. and their physician to complete the form, which they both did. Y.L.'s treating physician wrote that Y.L. was undergoing treatment for metastatic lung cancer and needed intermittent leave for at least up to five days per month for eight hours each day as needed. (Ex. 6.)

11. Y.L. also applied for medical leave on September 11, 2025. Medical leave is for employees who have serious health conditions that prevent them from working, as certified by a healthcare provider. Although EOLWD handles requests for reasonable accommodations, a different state agency, the Department of Family and Medical Leave (DFML), handles requests for medical leave. (Ex. 9.)

12. The application for medical leave indicated that a person must have one of two serious health conditions, one of which is that the employee is undergoing continuing treatment by a healthcare provider. (*Id.*)

13. The application for medical leave directed Y.L. to complete part of the form and to have their healthcare provider complete part of the form, which they both did. Y.L.'s treating physician wrote that Y.L. had a serious chronic health condition that had or would incapacitate them for more than three full consecutive calendar days, was unable to go to work when they needed infusions for their metastatic lung cancer, and requested intermittent leave of at least up to five days per month for eight hours each day as needed for their treatment from September 2025 to September 2026. (*Id.*)

14. Y.L. emailed Mr. Johnson on September 15, 2025, to verify whether he had received their form for intermittent leave; they did not specify about which type of leave they were inquiring. In response, Mr. Johnson sent them the contact information for the EOWLD human resources officer and for the DFML. (Ex. 14.)

15. Y.L. thought that they had received emails to their personal email account denying both applications for intermittent leave but were later unable to locate the emails. (Y.L. Testimony.)

16. Mistakenly believing that their applications for medical leave had been denied, Y.L. resigned from their employment on September 25, 2025, citing the stressful nature of their work. They wrote: “[D]ue to health reasons, I am no longer able to continue in my current role as the demands have become difficult to manage. I want to emphasize that I remain able and

available to work in other positions that are less stressful and better suited to my health needs.”

(Ex. 17.)

17. Before they resigned, they had spoken with their treating physician who recommended that they resign due to the stress of the work, which would have continued to exacerbate their health issues. (Ex. 3; Y.L. Testimony.)

18. The primary reason that Y.L. resigned was due to their health. The stress and demands of the job were worsening their condition. The work environment caused increased fatigue, pain, and breathing difficulties. The stress made it more difficult to manage their diabetes and the side effects of their cancer treatment, and it caused them to be unable to receive their cancer treatments on several occasions. (Ex. 3; Y.L. Testimony.)

19. In addition to their physical health concerns, Y.L. was crying every day, not sleeping, and feeling hopeless. They woke up feeling anxious about going to work. When they were at work, they felt overwhelmed by the claimants who were calling and they felt as though they could not do anything to help them. (Y.L. Testimony.)

20. The day after they resigned, DFML denied their application for medical leave. The stated reason for the denial was that they had failed to provide verification that met the requirements under the law. The letter did not specify what information was missing but rather invited them to call to understand what information was lacking. (Ex. 16.)

21. Y.L. reasonably believed that they had completed the form correctly. (Y.L. Testimony.)

22. October 10, 2025, was Y.L.'s last day of work. (Ex. 1.)<sup>1</sup>

23. On October 13, 2025, EOLWD denied Y.L.'s request for intermittent leave. The stated reason was that they had not submitted the necessary documentation but did not specify what was missing. (Exs. 8, 18.)

24. Y.L. reasonably believed that they had completed the form correctly. (Y.L. Testimony.)

25. Before they received the denials of their requests for medical leave and the additional reasonable accommodation, no one contacted Y.L. to inform them that they were missing any paperwork or to ask for additional submissions. (Y.L. Testimony.)

26. Y.L. applied for unemployment insurance benefits. (Ex. 1.)

27. As part of the review of their unemployment insurance benefit application, the EOWLD human resources officer reported that Y.L. had not submitted the required medical documentation to support their request for medical leave or the additional reasonable accommodation. He did not specify what medical documentation they had failed to provide. (Ex. 4.)

28. On November 18, 2025, DUA denied their application stating that they did not try to preserve their job or get a leave of absence before they left. (Ex. 10.)

29. Y.L. timely appealed from that denial. (Ex. 11.)

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<sup>1</sup> In their resignation email, Y.L. mistakenly indicated that October 19 would be their last day. (Ex. 15.)

### Analysis

Chapter 151A of the Massachusetts General Laws is the Unemployment Insurance Law (UIL). The purpose of unemployment insurance is to “lighten the burden which now falls on the unemployed worker and [their] family.” G.L. c. 151A, § 74. *See also Raytheon Co. v. Director of Div. of Emp. Sec.*, 364 Mass. 593, 596 (1974) (“The broader purpose of the law is to provide temporary relief for those who are realistically compelled to leave work through no ‘fault’ of their own, whatever the source of the compulsion, personal or employer-initiated.”). Chapter 151A “shall be construed liberally in aid of its purpose.” G.L. c. 151A, § 74.

Section 25(e)(1) of the UIL provides that a person who leaves work voluntarily may receive unemployment benefits if the person establishes that their “reasons for leaving were for such an urgent, compelling and necessitous nature as to make [her] separation involuntary.” *Id.* § 25(e)(1). The burden of proving whether their circumstances were “urgent, compelling and necessitous” lies with Y.L. *See Ducharme v. Comm’r of Dep’t of Emp. And Training*, 49 Mass. App. Ct. 206, 208 (2000).

In evaluating the circumstances of a person’s departure from their employment, “[b]enefits are not to be denied to those who can prove they acted reasonably, based on pressing circumstances, in leaving employment.” *Norfolk Cnty. Ret. Sys. v. Dir. of Dep’t of Lab. and Workforce Dev.*, 66 Mass. App. Ct. 759, 765 (2006) (internal citation and quotation marks omitted). Thus, whether a person qualifies to receive this benefit requires analysis of whether the reasons for leaving were reasonably “urgent, compelling and necessitous” and whether those reasons made the departure involuntary.

Y.L. testified credibly that the stress of their job became overwhelming. They described feeling helpless at work because they could not do anything for the claimants whose calls they were handling. Y.L. reported that they were unable to sleep at night and that they woke up feeling anxious about going to work. However, “[g]eneral stress and dissatisfaction with one’s employment do not amount to urgent and compelling reasons adequate to make leaving employment involuntary.” *Crane v. Comm’r of Dep’t of Emp. and Training*, 414 Mass. 658, 661 (1993).

In this situation, Y.L. was not just dealing with “general stress and dissatisfaction” with their job. In addition to the stress of their job, they have been living with, and receiving treatment for, metastatic cancer since 2018. Both they and their treating physician believed that the stress of their job was having a negative impact on their health, including fatigue, pain, breathing issues, and increased difficulty managing their diabetes and the side effects of their cancer treatment. They had been unable to receive their cancer treatments several times while working at DUA as the result of job-related stress.

Believing that the stress of their job had a negative impact on their health is an objectively reasonable reason to leave their work. *See, e.g., Fergione v. Dir. of Div. of Emp. Sec.*, 396 Mass. 281, 284 (1985) (“[A] person who terminates employment reasonably believing that work-related health concerns so require would be entitled to unemployment compensation.”); *see also Carney Hosp. v. Dir. of Div. of Emp. Sec.*, 382 Mass. 691 (1981) (employee’s reasonable belief that work environment caused recurrent, severe skin infection supported finding that leaving job was involuntary). I find that the stress of Y.L.’s job, which exacerbated their health issues and at times

limited their ability to receive necessary treatment, created a situation that made their resignation from DUA objectively “urgent, compelling and necessitous[.]”

I must also consider whether Y.L. had explored “a reasonable means of preserving their job.” *Dohoney v. Dir. of Div. of Emp. Sec.*, 377 Mass. 333, 337-38 (1979). The plaintiff in *Dohoney* was a pregnant employee who left their job to give birth and later applied for unemployment benefits. In that case, the pregnant employee had not taken steps to preserve their employment. Rather, the Court found that it was “the worker’s own inaction rather than compelling personal reasons that cause[d] the leaving” and that they had had “ample time and opportunity to explore” their options. *Id.* at 336, 338.

Here, Y.L. explored their options. The first step that Y.L. took to preserve their job was to apply to work from home as a reasonable accommodation because they could not drive or take public transportation. They received this accommodation starting in February 2025, which they later asked, and DUA agreed, to extend through May 2026. The next step that they took was in September 2025 when they applied to take several days per month off to receive their chemotherapy infusions; this was the basis for their second request for a reasonable accommodation as well as their application for intermittent medical leave. When Y.L. mistakenly believed that these requests had been denied, they resigned from their position. Their mistaken belief that their requests had been denied need not result in a denial of benefits. *See, e.g., Fergione*, 396 Mass. at 284 (“[U]nemployment compensation benefits should not be denied to one who leaves their employment for what they reasonably believe are compelling reasons, even if it is not shown (or even true) that those reasons are correct.”).

Rather, “[t]he reasonableness of the claimant’s efforts should be evaluated in light of the relevant circumstances[.]” *Norfolk Cnty. Ret. Sys.*, 66 Mass. App. Ct. at 769. In this case and under these circumstances, I conclude that Y.L. took objectively reasonable steps to preserve their job. Up to the end of their employment, they were trying to continue working while receiving treatment as demonstrated by their submission of requests for intermittent leave. They believed that they had completed the forms correctly and no one had contacted them to request additional or different information. Although they resigned right before receiving the decisions on these requests for intermittent medical leave, they believed, albeit mistakenly, that their requests had been denied.<sup>2</sup> And they requested intermittent leave at a time when the stress and demands of their job were causing increased fatigue, pain, and breathing difficulties, and were making it more difficult to manage their diabetes and the side effects of their cancer treatment. Requesting intermittent leave so that they could receive and recover from their treatment was a reasonable approach for Y.L. to preserve their job.

A liberal construction of Chapter 151A results in the conclusion that Y.L. had urgent, compelling and necessitous reasons for leaving their job – the impact it was having on their health – and that they took reasonable steps for a person in their circumstances to preserve their employment – requesting intermittent leave so that they could receive treatment for their health condition.

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<sup>2</sup> Parenthetically, they turned out to be correct. Both requests were denied.

**Conclusion and Order**

For the reasons set forth above, DUA's disqualification of Y.L. to receive unemployment insurance benefits is reversed and Y.L. is eligible to receive unemployment insurance benefits.

Dated: April XX, 2026

/s/ Judi Goldberg

Judi Goldberg

Administrative Magistrate

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