STATE OF RHODE ISLAND **DISTRICT COURT**
PROVIDENCE, Sc. **SIXTH DIVISION**

Meghan Cavanagh-Amaral	:	
	:	
v.	:	**A.A. No. 2024 - 091**
	:	
Department of Labor and Training,	:	
Board of Review	:	

O R D E R

This matter is before the Court pursuant to § 8-8-8.1 of the General Laws for review of the Findings & Recommendations of the Magistrate.

After a de novo review of the record and the memoranda of counsel, the Court finds that the Findings & Recommendations of the Magistrate are supported by the record, and are an appropriate disposition of the facts and the law applicable thereto.

It is, therefore, ORDERED, ADJUDGED AND DECREED,

that the Findings & Recommendations of the Magistrate are adopted by reference as the Decision of the Court and the decision of the Board of Review is hereby AFFIRMED.

Entered as an Order of this Court at Providence on this 31st day of July, 2025.

Enter:

/s/
Jeanne E. LaFazia
Chief Judge

By Order:

/s/
Jaime Hainsworth
Clerk

STATE OF RHODE ISLAND **DISTRICT COURT**
PROVIDENCE, Sc. **SIXTH DIVISION**

Meghan Cavanagh-Amaral	:	
	:	
v.	:	**A.A. No. 2024 - 00091**
	:	
Department of Labor and Training,	:	
Board of Review	:	

FINDINGS & RECOMMENDATIONS

Ippolito, M. In this case the District Court, exercising the jurisdiction granted to it by G.L. 1956 § 28-44-52, must decide whether the Board of Review of the Department of Labor and Training (the Board) erred when it held that Ms. Meghan Cavanagh-Amaral (Claimant or Appellant) would be disqualified from receiving unemployment insurance benefits because she quit her prior position without good cause within the meaning of G.L. 1956 § 28-44-17. This matter has been referred to me for the making of findings and recommendations pursuant to G.L. 1956 § 8-8-8.1. Doing so, and for the reasons I shall now set forth, I have concluded that the decision of the Board of Review ought to be AFFIRMED. I so recommend.

I

Facts and Travel of the Case

Appellant Meghan Cavanagh-Amaral worked for Priority Automotive of Newport, which does business as Hyundai of Newport, as an Office Assistant until June 13, 2024; her last physical day of work was March 27, 2024. *See* DLT FORM 480 (Employment Data) (which may be found in the 91-page Electronic Record (*ER*) attached to this case, at 71). She had worked for the firm for five years. *Id*. She filed a claim for unemployment benefits on June 26, 2024, which was made effective on June 23, 2024. *See* DLT FORM 480 (Claim Data) (*ER* at 71). As a result, Ms. Cavanagh-Amaral was interviewed by adjudicators employed by the Department of Labor and Training (the Department) on July 11, 2024 and September 11, 2024, regarding the reasons for her separation from Priority Automotive.[1]

Claimant told the adjudicator who interviewed her by telephone on September 11, 2024 that she quit because of health issues. *See* DLT FORM 480 (Claimant Statement No. 2) (*ER* at 71). Ms. Cavanagh-Amaral related that she originally stopped working because of anxiety issues she suffered after giving birth to her daughter, who also had medical problems. *Id*. According to Claimant, matters "came to a head" in March of 2024 — she was not sleeping

[1] While Claimant was interviewed twice, there are actually three "Claimant Statement" sections of the Form 480; the September 11, 2024 interview is divided into the second and third Claimant Statement sections. This latter interview is more complete than that conducted in July; and so, I shall draw upon it here. Respecting the confidentiality of intimate health care information, I shall reference this material in this opinion with as much discretion as is possible.

and became unable to function. *Id*. Consequently, her doctor took her out of work for four weeks beginning March 28, 2024, and recommended that she receive therapy. *Id*.[2] Ms. Cavanagh-Amaral informed her manager regarding what was transpiring and was told she could take whatever time she needed; neither was she asked for documentation of her illness. *Id*. (*ER* at 71-72). Then, on April 29, 2024, she saw a new therapist who adjusted her medication and recommended that she stay out of work until June 20, 2024. *Id*. (*ER* at 72). Claimant said she informed her manager, and he said "okay." *Id*.

In early May, Ms. Cavanagh-Amaral learned from a friend/ coworker that a person had been hired to fill her position; though this struck her as "weird," she did not call her manager to confirm the truth of this event, or its implications. *Id*. But a month later, in early June, the manager texted her, inquiring about her health and whether she intended to return. *Id*. To this question, she answered no. *Id*. Claimant explained that she had "a sour taste in [her] mouth" regarding her replacement and the fact that she never received a leave of absence. *Id*. In addition, her daughter had multiple surgeries and required her care. *Id*.

---

[2] Although Claimant did not allude to it at this point in her interview, Ms. Cavanaugh-Amaral began to receive Temporary Disability Insurance (TDI) when her physician advised her to stay out of work. *See* DLT Form 480, Claimant Statement No. 3; *ER* at 71-72. And, at the hearing conducted by the Referee, her TDI claim record was introduced into evidence. *Ref. Hr'g Tr.* at 10. It may be found in the Electronic Record (*ER*), at 77-78.

Ms. Cavanagh-Amaral further indicated that, because she felt better and could work again, the TDI claim she had earlier filed expired on June 23, 2024. *See* DLT FORM 480 (Claimant Statement No. 3) (*ER* at 72). However, since she did not have childcare for her daughter, she could only apply for full-time *remote* work. *Id*. She stated that her daughter would undergo an additional surgery on September 16, 2024, which would involve a three-week recovery window. *Id*. In any event, she said that daycare was not really an option because of her child's medical care. *Id*.

An adjudicator also attempted to speak to a representative of the Employer; a voicemail was left, but no response was received. *See* DLT Form 480 (Employer Statement) (*ER* at 63).

On September 12, 2024, the adjudicator, acting as a designee of the Director of the Department of Labor and Training, issued a Corrected Decision regarding Ms. Cavanagh-Amaral's claim. *See Corrected Dec. of Director,* No. 2419383-02, at 1; *ER* at 79.[3] The adjudicator found that Claimant quit her position due to medical reasons and did not return to her position for personal reasons. *Id*. As a result, the adjudicator found that her resignation was without good cause, as defined in G.L. 1956 § 28-44-17, because there was

[3] The original decision was issued nine days earlier, on September 3, 2024. It too disqualified Claimant pursuant to § 28-44-17. *See Dec. of Director,* at 1; *ER* at 81.

To avoid confusion later, it may also be noted at this juncture that, on September 12, 2024, Claimant was also disqualified by the adjudicator from receiving unemployment benefits under G.L. 1956 § 28-44-12, because she limited her availability for work due to her childcare issues. *See Dec. of Director,* No. 2426765, at 1;

no evidence that her job was unsuitable or that she took the necessary steps to protect her employment. *Id*.

Ms. Cavanagh-Amaral filed an appeal. As a result, a telephonic hearing was scheduled before a Referee employed by the Board of Review on October 23, 2024. *Dec. of Referee,* at 1; *ER* at 47. On that occasion, Claimant appeared without counsel; the Employer was represented by its Office Manager, Ms. Kate Paolino. *Ref. Hr'g Tr.* at 1, 7-8.[4]

After the witnesses were sworn and the contents of the file were enumerated, the Referee began to question Ms. Paolino regarding the reason why the Notice of Claim Form was not returned to the Department. *Id*. at 12-14. Then, the Referee asked Ms. Cavanagh-Amaral to reveal the circumstances of her separation from Priority Automotive. *Id*. at 15 *et seq*. She explained that, in late March, when she asked her manager about a leave of absence, he declined to grant it — but, when her doctor put her out of work for four weeks, he did not object. *Id*. at 15-16.

However, Claimant did not return to work at the end of the four-week period; instead, her therapist prescribed new medication for her and recommended that she stay out of work until June 24, 2024. *Id*. at 16-17. Ms. Cavanagh-Amaral indicated she spoke to her manager on April 8, 2024, informing him about the extension of her absence, and he said okay. *Id*. at 18.

---

[4] The 31-page hearing transcript may be found in the electronic record of the case, beginning on page 9.

Once again, Claimant did not return to work on June 24, 2024. *Id*. at 18. For this action, or inaction, she gave an explanation. To begin, Claimant stated that she learned from a co-worker that someone had been hired to fill her position and that her personal items had been boxed and were ready to be picked up. *Ref. Hr'g Tr*. at 18. She learned this during a period when there had been no contact between herself and her manager for a few weeks. *Id*. Furthermore, while Ms. Cavanagh-Amaral told her manager in late May that she expected to return to work — she later told him that she thought it would be best if she did not return. *Id*. at 19.

The Referee then inquired whether she had tried to work — perhaps with the understanding that she would have to take time off for medical appointments. *Id*. at 20. Claimant responded that she had not, because her only available babysitter did not feel comfortable caring for the child any longer given the infant's susceptibility to choking. *Id*. As such, Ms. Cavanagh-Amaral tried to find a placement in a daycare facility; one would not take her daughter because of her medical issues, while another would, but at a prohibitive cost. *Id*. at 21.[5]

The Referee then asked when she was physically and mentally able to return to full-time work. *Ref. Hr'g Tr*. at 21. Claimant answered that it

[5] Ms. Cavanaugh-Amaral explained that her weekly (net) pay was $684.00 and the weekly cost for daycare would have been $500.00. *Id*. at 21.

was about three to four weeks before the hearing date. *Id.*[6] Ms. Cavanagh-Amaral added that her daughter had a surgical procedure in September and another on the day before the hearing — that is, October 22, 2024. *Id.* at 22.

Next, Claimant testified that she was engaging in an active search for work and keeping records of her efforts as required by the Department. *Id.* at 22-23. She described her job-search efforts in some detail. *Id.* at 23. Finally, the Referee gave Ms. Cavanagh-Amaral the opportunity to submit documents supporting (1) her position that her unavailability was due to medical issues and (2) her efforts to find work. *Id.* at 23-24.

When the Referee asked Ms. Cavanagh-Amaral to describe the hours of the shift for which she was available, she responded Monday through Friday, 9 to 4, 9 to 5, but with *flexibility*. *Id.* at 26. To which, the Referee responded by asking what she meant by flexibility. *Id.* at 26-27. Claimant indicated it could mean up to two days off per week. *Id.* at 27.

The Referee pursued one line of inquiry with Ms. Paolino: specifically, did Priority Automotive try to accommodate Ms. Cavanagh-Amaral so she could continue in its employ? She answered that they did — that after Claimant returned from her maternity leave on September 25, 2023, they accommodated her (regarding absences) on over thirty occasions. *Id.* at 28.

---

[6] In light of the October 23, 2024 hearing date, this signified a date from September 25, 2024 to October 2, 2024. But she also referenced the beginning of September, which would mean three weeks earlier. *Id.* at 21.

On October 25, 2025, the Referee issued his decision. The Referee's findings of fact regarding the leaving-for-good-cause issue read as follows:

> Claimant worked as a full-time Priority Automotive of Newport office assistant 5 years. Claimant's physician removed her from work for 4 weeks March 28, 2024. While on approved medical leave she was referred to a therapist who extended her leave through June 24, 2024. Claimant's temporary disability insurance benefits exhausted June 22, 2024. Claimant's newborn suffered with a number of medical conditions that caused the claimant to lose her then childcare provider. Claimant identified a new childcare provider but determined that the expense was unacceptable. Claimant had already decided not to return to work based on unsubstantiated coworker comments regarding her employment status.
>
> Following the claimant's unemployment insurance filing the Department of Labor and Training record (Department Exhibit 1 page 2) supports the employer was mailed the *Employee Separation Report and Notice of Claim Filed* through an automated process without human intervention to the address of record, a prior employer address the employer moved from several years prior. Employer did not receive it and therefore did not return the documentation.

Dec. of Referee, at 1-2 (*ER* at 47-48). These findings led the Referee to prepare the following conclusions of fact and law on the good-cause issue:

> In order to show good cause for leaving employment, the claimant must show that the work had become unsuitable or that the claimant was left with no reasonable alternative but to resign. The burden of proof rests solely on the claimant. Insufficient credible testimony and evidence has been provided to support the above conditions.

> The claimant was on an approved medical leave of absence associated with her own conditions. She was released to return after June 24, 2024. The medical conditions associated with the claimant's child and the various medical appointments are unrefuted. The employer had accommodated the claimant's absences in the past. A decision to resign largely centered on 2 issues. The 1st identified a decision that new childcare would cost an unacceptable amount of money for her. While this shows the claimant's willingness and availability to return to work following June 24, 2024 the reason is considered a personal issue. The 2nd issue focused on a conversation with a coworker sometime prior to her release to return to work. Coworker allegedly told the claimant she had been replaced by the employer. Claimant decided prior to her medical release not to return to this employer. She had the reasonable alternative of speaking with the employer to see whether the alleged new employee was temporarily filling in for her or whether she was indeed discharged. There is no evidence the employer discharged her or did not intend to accommodate occasional absences for the child's medical appointments. The claimant resigned. If she believed she was terminated there would be no need to resign.

Dec. of Referee, at 2; *ER* at 48. In sum, the Referee found that Ms. Cavanagh-Amaral quit without good cause because (a) because she resigned *before* determining whether the Employer would permit her to continue in its service notwithstanding the demands on her time arising from her child's illness, and (b) the expense of daycare, which prevented her from returning to work, was a personal issue. Based on these conclusions, the Referee affirmed the Decision

of the Director regarding Claimant's disqualification pursuant to § 28-44-17. *Id.*[7]

Thereafter, Claimant appealed to the full Board of Review, which considered the matter based on the record assembled by the Referee, as it is permitted to do under G.L. 1956 § 28-44-47. *Bd. of Review Dec.* at 1; *ER* at 5. In a decision issued on December 3, 2024, the Board adopted the decision of the Referee as its own and found that the Referee's decision constituted a proper adjudication of the facts and the applicable law. *Id.*[8]

II
Standard of Review

The standard of review applicable to this appeal is provided by G.L. 1956 § 42-35-15(g), a section of the state Administrative Procedures Act, which provides as follows:

---

[7] Simultaneously, the Referee also found Ms. Cavanaugh-Amaral to be disqualified from receiving unemployment benefits under § 28-44-12, because she had failed to submit verifiable proof that she had made sufficient efforts to find new employment. *See Dec. of Referee,* No. 20243528, at 1. Note that the Director's disqualification of Claimant under § 28-44-12 was based on an availability issue, not a job-search question, as referenced *supra* at 4, n.3.

[8] On the same day that the Board issued its decision under § 28-44-17, the Board also issued a decision finding Claimant eligible to receive benefits under § 28-44-12. This decision had two parts: *first*, it found that the Referee should not have decided the job-search issue, since it had not been addressed by the Director; and *second*, the Board found that Ms. Cavanaugh-Amaral was able to work and was available for work. *See Dec. of Bd. of Review,* No. 20243528, at 1. Consequently, the Referee's disqualification of Claimant under § 28-44-12 was reversed. *Id.* at 2.

However, despite the paucity of reasoning provided in the Board's § 28-44-12 ruling, this issue is not before us since the employer did not file a cross-appeal on this issue.

> **42-35-15. Judicial review of contested cases. …**
> (g) The court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings, or it may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:
> (1) In violation of constitutional or statutory provisions;
> (2) In excess of the statutory authority of the agency;
> (3) Made upon unlawful procedure;
> (4) Affected by other error of law;
> (5) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
> (6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

Thus, on questions of fact, the District Court "* * * may not substitute its judgment for that of the agency and must affirm the decision of the agency unless its findings are 'clearly erroneous.' " *Guarino v. Department of Social Welfare,* 122 R.I. 583, 584, 410 A.2d 425 (1980) (citing G.L. 1956 § 42-35-15(g)(5)). The Court will not substitute its judgment for that of the Board as to the weight of the evidence on questions of fact. *Cahoone v. Board of Review of the Department of Employment Security,* 104 R.I. 503, 246 A.2d 213 (1968). Under the Rhode Island Supreme Court's construction of § 42-35-15(g), this Court must uphold a decision of the Board "… if it is supported by legally competent evidence." *Kyros v. Rhode Island Department of Health,* 253 A.3d

879, 884-85 (R.I. 2021) (quoting *Endoscopy Associates, Inc. v. Rhode Island Department of Health,* 183 A.3d 528, 532 (R.I. 2018)).

In evaluating specific circumstances which might constitute "good cause" to quit, the Court confronts a mixed question of law and fact. *D'Ambra v. Board of Review, Department of Employment Security,* 517 A.2d 1039, 1040 (R.I. 1986). Where the record supports only one conclusion, the case must be decided as a matter of law. *D'Ambra,* 517 A.2d at 1041. But if more than one reasonable conclusion could be reached, the agency decision must be affirmed. *Id.*

The Supreme Court of Rhode Island recognized in *Harraka v. Board of Review of Department of Employment Security,* 98 R.I. 197, 200 A.2d 595 (1964), that a liberal interpretation shall be utilized in construing and applying the Employment Security Act:

> * * * eligibility for benefits is to be determined in the light of the expressed legislative policy that "Chapters 42 to 44, inclusive, of this title shall be construed liberally in aid of their declared purpose which declared purpose is to lighten the burden which now falls upon the unemployed worker and his family." G.L. 1956, § 28-42-73. The legislature having thus declared a policy of liberal construction, this court, in construing the act, must seek to give as broad an effect to its humanitarian purpose as it reasonably may in the circumstances. Of course, compliance with the legislative policy does not warrant an extension of eligibility by this court to any person or class of persons not intended by the legislature to share in the benefits of the act; but neither does it permit this court to enlarge the exclusionary effect of expressed restrictions on

> eligibility under the guise of construing such provisions of the act.

Harraka, 98 R.I. at 200, 200 A.2d at 597.

III
Applicable Law
A
The Statute

Our review of this case involves the application and interpretation of the following provision of the Rhode Island Employment Security Act, which specifically touches on the concept of voluntary leaving without good cause; G.L. 1956 § 28-44-17, provides:

> **28-44-17. Voluntary leaving without good cause.** – (a) … For benefit years beginning on or after July 6, 2014, an individual who leaves work voluntarily without good cause shall be ineligible for waiting period credit or benefits for the week in which the voluntary quit occurred and until he or she establishes to the satisfaction of the director that he or she has, subsequent to that leaving, had earnings greater than, or equal to, eight (8) times his or her weekly benefit rate for performing services in employment for one or more employers subject to chapters 42 — 44 of this title.
> ….

Based upon the language of this statute, we see that eligibility for unemployment benefits under § 28-44-17 has three prerequisites — *first,* that the claimant *left* his or her prior employment; *second,* that the resignation was *voluntary; and third,* that the claimant left the position *for good cause,* as defined in § 28-44-17. Finally, it is well-settled that, to be eligible for

unemployment benefits, a worker who leaves his position voluntarily bears the burden of proving that he did so for good cause.

B

The Element of "Good Cause" — the Case Law

In a series of cases during the last half-century our Supreme Court has endeavored to clarify the meaning of "good cause," as that term is used in § 28-44-17. Let us review a sampling of these cases, beginning with *Harraka v. Board of Review of Department of Employment Security,* 98 R.I. 197, 200 A.2d 595 (1964), in which the Court considered the petition of Mr. Joseph Harraka, who, upon his discharge from the armed forces, accepted employment in the chemical industry, but quit after one week, due to a reaction to the chemicals with which he was working. *Harraka,* 98 R.I. at 198-99, 200 A.2d at 596. He inquired — but was told that other work was not available. *Harraka,* 98 R.I. at 199, 200 A.2d at 596-97.

Mr. Harraka applied for benefits under the ex-serviceman's provision, but his claim was denied by the Director; the ruling was affirmed by the Board of Review, which found that one week was not a sufficient period in which to determine the suitability of the position. *Harraka*, 98 R.I. at 199-200, 200 A.2d at 596-97. Moreover, the Board held that Mr. Harraka's reasons for leaving were personal and not of a "compelling nature;" therefore, his reasons for leaving did not constitute good cause within the meaning of the Employment Security Act. *Id*. The Superior Court affirmed. *Id.*

In considering Mr. Harraka's appeal, the Supreme Court rejected the view that the "good cause" element of § 28-44-17 requires that the claimant's

reason for quitting be of a "compelling nature." *Harraka,* 98 R.I. at 201, 200 A.2d at 596. Instead, the Court announced that a liberal reading of good cause would be adopted:

> … To view the statutory language as requiring an employee to establish that he terminated his employment *under compulsion* is to make any voluntary termination thereof work a forfeiture of his eligibility under the act. This, in our opinion, amounts to reading into the statute a provision that the legislature did not contemplate at the time of its enactment.
>
> In excluding from eligibility for benefit payments those who voluntarily terminate their employment without good cause, the legislature intended in the public interest to secure the fund from which the payments are made against depletion by payment of benefits to the shirker, the indolent, or the malingerer. However, the same public interest demands of this court an interpretation sufficiently liberal to permit the benefits of the act to be made available to employees who in good faith voluntarily leave their employment because the conditions thereof are such that continued exposure thereto would cause or aggravate nervous reactions or otherwise produce psychological trauma.

Harraka, 98 R.I. at 201, 200 A.2d at 597-98 (emphasis added). Applying this standard, the Court reversed the decision below, finding Mr. Harraka had good cause to leave his employment. *Harraka*, 98 R.I. at 203, 200 A.2d at 598-99.

Four years later, the Court issued a brief opinion addressing good cause in *Cahoone v. Board of Review of the Department of Employment Security,* 104 R.I. 503, 246 A.2d 213 (1968). Claimant Cahoone, a gentleman experienced in the art of building and repairing boats, accepted temporary employment driving a truck for the post office during the Christmas rush; he

quit after one day. *Cahoone,* 104 R.I. at 504-05, 246 A.2d at 214. As recounted by the Court, the Board of Review's decision denying benefits to Mr. Cahoone under § 17 was grounded on its conclusion that *he did not terminate for job unsuitability,* but because he was assigned to drive a truck, and not to deliver mail, which he preferred. *Cahoone*, 104 R.I. at 505-06, 246 A.2d at 214 (emphasis added). The Superior Court Justice (Weisberger, J.) affirmed the Board's decision, finding that, while reasonable minds might have reached a contrary result, the limitations on his review imposed by § 42-35-15(f) and (g) prevented him from modifying or reversing the administrative decision. *Cahoone*, 104 R.I. at 506-07, 246 A.2d at 214. The Supreme Court agreed. *Cahoone*, 104 R.I. at 507, 246 A.2d at 214.

In *Murphy v. Fascio,* 115 R.I. 33, 340 A.2d 137 (1975), the Court considered the claim of Ms. Kathleen Murphy, who left her position with a local manufacturer to marry and relocate with her new husband to the state of Georgia. *Murphy,* 115 R.I. at 34, 340 A.2d at 138. The Court first decided that the question (whether resigning to marry and relocate constituted good cause to quit) was one of law — to be resolved by asking whether "it comports with the policies underlying the Employment Security Act." *Murphy,* 115 R.I. at 36, 340 A.2d at 139.

Next, the Court reminded us that "… unemployment benefits were intended to alleviate the economic insecurity arising from *termination of employment the prevention of which was effectively beyond the employee's control*." *Murphy, id*. (citing G.L. 1956 § 28-42-2 (emphasis added)). The Court found that Ms. Murphy's reasons for quitting did not meet this *beyond-the-*

employee's-control standard. *Murphy,* 115 R.I. at 36, 340 A.2d at 139. And even though, in *Harraka*, the Court had rejected the Board's view that good cause had to be a reason of a "compelling nature," the Court disallowed Ms. Murphy's claim, finding that her reason for leaving did not "involve the kind or degree of compulsion which the legislature intended 'good cause' should entail[,]" proclaiming —

> The Employment Security Act was intended to protect individuals from the hardships of unemployment the advent of which involves a *substantial degree of compulsion.*

Murphy, 115 R.I. at 37, 340 A.2d at 139 (Emphasis added).

The Court employed the *Murphy* standard in *Powell v. Department of Employment Security, Bd. of Review,* 477 A.2d 93 (R.I. 1984), in which the Court reversed the Board of Review's decision (affirmed by the District Court) denying benefits to the claimant, a public relations person who resigned rather than issue a misleading press release, fearing it would damage his reputation in his field irretrievably. *Powell*, 477 A.2d 96-97.

C

The Element of Good Cause Generally — In Sum

From the foregoing review of our Supreme Court's § 17 literature, we can see that, to establish "good cause," the Claimant's reasons for quitting must not only meet the *Murphy* test of involving a "substantial degree of compulsion," but must also satisfy the *Harraka* test that the work had become in some manner unsuitable for the claimant. It is because of this latter

requirement that successful assertions of "good cause" are, with few exceptions, work-related.

IV
Analysis

When reviewing appeals from the Board of Review in cases wherein it has approved or rejected a claim for unemployment benefits, our review is very limited on factual issues; so long as the findings of the Board are supported by competent evidence of record, we must affirm those findings. But in the instant case there is little in the way of factual dispute. The other parties in interest (that is, her former Employer, the Department, and the Board of Review) do not dispute Claimant's account of the circumstances which led her to separate from Priority Automotive. They acquiesced to Claimant's assertions — made initially to the adjudicator and then to the Referee — that she had been unable to work for an extended period due to her condition and that of her child.

Appellant Cavanagh-Amaral asserts that she should be deemed eligible for unemployment benefits despite the fact she quit her position; and she urges this result even though the Board made a finding, which she does not dispute, that the position had not become unsuitable for her. Thus, this Court must decide whether Claimant's reasons for separating, even if fully credited, constituted good cause to quit. For the reasons I shall now state, I believe a finding that Ms. Cavanagh-Amaral had good cause to quit under §

28-44-17 was *not* required by competent evidence and the applicable law; indeed, the Board's finding that Claimant did not have good cause to quit was indeed reasonable under § 17 and this Court's prior rulings construing that statute. Accordingly, the decision of the Board must be upheld.

At the outset of our discussion, it must be conceded that the need to care for a child may constitute good cause to quit. *See* G.L. 1956 §§ 28-44-17(a)(3)(i) and 28-44-17(a)(3)(ii). In prior cases too numerous for citation, this Court has held that a quitting in order to care for a child (or children) does indeed constitute good cause within the meaning of section 17. *See Walker v. Department of Labor and Training, Board of Review,* A.A. No. 2013-14, slip op. at 8 (Dist.Ct. 4/12/2013) (citing *Flowers v. Department of Employment Security, Board of Review,* A.A. No. 83-292 (Dist.Ct. 4/29/88) (Wiley, J.)).

This principle, however, is not absolute; as a prerequisite to eligibility, the Court has required the employee to fully explore alternatives to quitting, such as requesting an accommodation — such as a change to his or her schedule, or, where appropriate, a leave of absence. *Walker*, *supra*, slip op. at 8-9 (citing *Estrella v. Department of Employment and Training, Board of Review,* A.A. No. 1994-111, slip op. at 6-7, (Dist.Ct. 11/22/94) (Cenerini, J.) (Disqualification affirmed, where claimant quit in order to care for child in Florida and where claimant declined an offered leave of absence) and *Croteau v. Dep't of Employment Security Board of Review,* A.A. No. 1994-229, slip op. at 7, (Dist.Ct. 2/1/95) (DeRobbio, C.J.) (Disqualification of Claimant affirmed,

where claimant was moved to 3rd shift causing child care problems but where claimant did not explore alternatives)). In *Walker*, the claimant was deemed ineligible for unemployment benefits because, after her employer *temporarily* increased her hours of work in such a way as to interfere with her childcare responsibilities, she failed to avail herself of her manager's offer to discuss revising the new schedule. *Walker*, slip op. at 10-12. And so, we see that a failure to seek accommodation can scuttle a claim for benefits that is predicated upon childcare demands.

In the instant case, there was direct testimony, from Ms. Paolino, that Ms. Cavanagh-Amaral never requested such an accommodation. *Ref. Hr'g Tr.* at 29. Of course, we cannot predict what the Employer's response to such a request might have been. But, in light of Ms. Paolino's testimony that Priority Automotive had acquiesced to Claimant's requests to be absent (for all or part of a day) on over thirty occasions in the period after she returned from maternity leave, it is hard to see how the making of such a request could be viewed as frivolous or otherwise not worth making.

Consequently, the Board's ruling that Claimant's failure to seek further accommodation from the Employer vitiated her assertion of good cause to quit under § 28-44-17 cannot be said to be unsupported by competent evidence, or contrary to law. I must therefore recommend that it be affirmed.

V
Conclusion

Pursuant to G.L. 1956 § 42-35-15(g), the decision of the Board of Review must be upheld unless it was, *inter alia,* contrary to law, clearly erroneous in light of the reliable, probative, and substantial evidence of record, or arbitrary or capricious. This Court must affirm the Board's decision *unless* the facts found by the Board *must* lead to the conclusion that Ms. Cavanagh-Amaral quit for good cause. After a careful review of the record below, I cannot say that such a finding was required. I must therefore recommend that the Decision of the Board denying Ms. Cavanagh-Amaral's claim for benefits be AFFIRMED.

/s/
Joseph P. Ippolito
MAGISTRATE

July 31, 2025