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

Cheryl Guglielmi	:	
	:	
v.	:	**6AA-2025-00018**
	:	
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 28th day of August, 2025.

Enter:

/s/
Jeanne E. LaFazia
Chief Judge

By Order:

/s/
Jaime Hainsworth
Clerk

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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. Cheryl Guglielmi (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 Cheryl Guglielmi worked for Prospect Chartercare RWMC of Rhode Island for over one year as a Registrar until October 17, 2024, when she quit. *See* DLT FORM 480 (Employment Data) (which may be found in the 46-page Electronic Record (*ER*) attached to this case, at 34). That same day, she filed a claim for unemployment benefits, which was made effective on October 13, 2024. *See* DLT FORM 480 (Claim Data) (*ER* at 34). As a result, Claimant was interviewed by an adjudicator employed by the Department of Labor and Training (the Department) on October 31, 2024, regarding the reasons for her separation from Prospect Chartercare. *See* DLT FORM 480 (Claimant Statement) (*ER* at 34).

Claimant Guglielmi told the adjudicator that she quit because of bullying by her supervisor. *Id.* She stated:

> … I am requesting benefits effective 10/13/24. The last day of work and date of separation is 10/17/24. The reason for the separation is a resignation. The resignation was a same day resignation. There was no prior notice provided. I did not know going into to work that day I was going to quit. When I got to work on 10/17/24 I had a meeting with my manager Alcida Pacheco. She was bullying me. She was going over a bunch of papers about what I did wrong. It went on for a half hour. I thought I could no longer do this to myself. I did not go to HR and file a grievance. I did go to her boss. We had a meeting in August. His name is Paul Ginsanti I do not recall his exact title. He is above Alcida. I mentioned to him Alcida are trying to push me out and make me quit. I loved my job and I did not want to do that. There was no resolution after the meeting. I did not have another

> position secured at the time of separation. I am able and available. I understand to use the hold file. I understand my rights to appeal.

See DLT FORM 480 (Claimant Statement) (*ER* at 34). From this summary composed by the adjudicator we see that Ms. Guglielmi left the employ of Prospect Chartercare due to what she believed to be a hostile work environment created by Ms. Pacheco — or as she succinctly put it, "bullying." *Id*. She added that she was able and available for work. *Id*.

An adjudicator also spoke to a representative of the Employer — its HR Partner, Simone Guthrie, who said that Ms. Guglielmi voluntarily quit because she was unhappy in her work:

> The claimant's last day of work was 10/17/24. The date of separation is the same date. The reason for separation is a voluntary quit. I do not see here if the claimant gave any notice. The reason for her resignation was due to her being unhappy with her current job. She had this conversation with her manager. There was continuing work available at the time of separation. There is no resignation letter. There was no requests for accommodations prior to the resignation. There are no specific details about what the claimant was unhappy about before the resignation.

See DLT Form 480 (Employer Statement) (*ER* at 35).

On November 8, 2024, the adjudicator, acting as a designee of the Director of the Department of Labor and Training, issued a Decision regarding Ms. Guglielmi's claim. *See Dec. of Director,* No. 2430346-00, at 1; *ER* at 44. The adjudicator found that Claimant quit her position "because [she] was dissatisfied with the work environment." *Id*. As a result, the Director's Decision

found that Claimant's resignation was without good cause, as defined in G.L. 1956 § 28-44-17, because there was no evidence that her job was unsuitable. *Id*.

Ms. Guglielmi filed an appeal. *See Request for a Hearing Before Board of Review*; *ER* at 45-46. Consequently, a telephonic hearing was scheduled before a hearing officer employed by the Board, a *Referee*, on January 6, 2025. Claimant appeared without counsel; the Employer was represented by its Patient Access Manager, Ms. Alceta Pacheco, and its Patient Access Supervisor, Dawn Silva. *Ref. Hr'g Tr.* at 1, 6-7.[1] After the witnesses were sworn and the contents of the file were enumerated, the Referee asked Ms. Guglielmi to reveal the circumstances of her separation from Prospect Chartercare. *Id*. at 9. She stated that she loved her job, but the stress was "just unbearable[,]" and that Ms. Pacheco's conduct was "unprofessional, it was demeaning, it was disrespectful, and at times downright hostile." *Id*. at 9-10. She added that it was "downright bullying." *Id*. at 10.

And when the Referee asked for specific instances of such offensive conduct, she responded:

> When I started there in August, I had a ninety-day review so that would have been around November. That went fine, and then, in around January or February Alceta called me into her office and said they had decided to give me another ninety days and she gave me a paper to sign which was a PIP. I had never heard of a PIP. I never saw any PIP in my entire career. So, I signed in which in retrospect I

[1] The 22-page hearing transcript may be found in the electronic record of the case, beginning on page 6.

> should not have and from then on we had to have weekly meetings. …

Ref. Hr'g Tr. at 10.[2] Ms. Guglielmi added that these weekly meetings with Ms. Pacheco continued until May of 2024, when Claimant went out on a leave of absence for three months. *Id.*[3] When she returned at the end of July, Ms. Pacheco told her that she had thirteen days left on her PIP, which was then extended again. *Id.* at 11-12.

As a result, she met with Ms. Pacheco's supervisor, Mr. Shanty, to make him aware that she felt that she had "an ax hanging over [her] head" and that Ms. Pacheco wanted her to quit. *Id.* at 12. But, according to Ms. Guglielmi, nothing positive came from that meeting; to the contrary, thereafter, Ms. Pacheco became hostile and disrespectful. *Id.* at 13.

At this juncture the Referee again requested specifics regarding Ms. Pacheco's behavior. *Id.* Claimant answered that the bottom line was that she felt that her supervisor was trying to get her to quit, and she didn't understand why, because she was a good employee who loved her job and was doing it to the best of her ability. *Id.*

Turning to her last day of work, October 17, 2024, Ms. Guglielmi testified that she had a final meeting with Ms. Pacheco. *Id.* She told the Referee

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[2] The Referee clarified that a PIP is a *Performance Improvement Plan*. *Id.* at 10-11.

[3] Before she left on her leave of absence, Claimant met with Ms. Pacheco's supervisor, Mr. Shanty. *Id.* at 11. She told him that team morale was horrible, because of Ms. Pacheco. *Id.* at 15. And he told Claimant that the firm was "not looking to get rid of anybody." *Id.* at 11.

that the meeting proceeded in the customary manner: Ms. Pacheco went through a folder of papers pointing out the errors she had made — none of which Claimant felt were grievous. *Ref. Hr'g Tr.* at 14. Ms. Pacheco wanted her to sign another, a third, PIP, and she declined to do so. *Id.* at 13-14. She testified that she believed that she was being treated in an abusive manner; and so, she turned in her badge and told Ms. Pacheco that she was done. *Id.* at 14-15. Her testimony then concluded. *Id.* at 15.

Next, Ms. Pacheco[4] testified, in the following manner:

> Cheryl was under the job improvement for all the time she was here due to the fact that she continued to make mistakes, she was checked monthly, and every time we checked — I brought to her attention that something wasn't done correctly and it had to be done a certain way. She always had to question why. Why, why, do I have to do this this way, why do I have to do this that way, and she was very dissatisfied, angry, and resentful, and very insubordinate. She wouldn't take criticism well, you know, criticism well. So, with that, it continued. So, when she was out on an LOA when she came back, we continued again the job improvement, checking every — you know, her work, what she did for insurance, patient registration, and the same mistakes continued to happen. Now, her calling me a bully, I don't take that very lightly because if she had such a problem with me, she should have went to HR to complain, and that never took place. So, to me, it's her way of saying, you know, not liking what I had to say to her, and the thing with her quitting, she did quit. She threw her badge in front of my face, stopped at my desk, slammed the door and left. That's how she quit.

[4] There is an error on the hearing transcript. It is Ms. Pacheco, not Ms. Silva, whose testimony begins at the top of page 16. We know this because the Referee indicates on page 17 that Ms. Silva hasn't yet testified.

Ref. Hr'g Tr. at 16-17.

Ms. Guglielmi vehemently denied that she threw her badge in Ms. Pacheco's face. *Id.* at 17. Then, after the Referee calmed the participants, Ms. Silva testified. *Id.* at 18.

Ms. Silva began her testimony by explaining the types of errors that would be discussed at the weekly meetings with Ms. Guglielmi. *Id.* But the Referee interrupted her, stating that "there is no question that employers have the right either to issue written warnings or, in order to assist and supervise and issue performance improvement plans." *Id.* Instead, the issue is whether there was bullying and disrespectful actions. *Id.* Ms. Silva then responded that "Cheryl had a chip on the shoulder" and was, at times, "very unapproachable" and "very insubordinate" to her and Ms. Pacheco "on a daily basis." *Id.* at 18-19.

On cross-examination by Claimant, Ms. Silva indicated that, at one of their meetings, she told Ms. Pacheco that there had been an improvement in Ms. Guglielmi's performance. *Id.* at 18-19.

After this testimony, the hearing concluded. *Id.* at 19-22.

On January 10, 2025, the Referee issued his decision. The Referee's findings of fact regarding the leaving-for-good-cause issue read as follows:

> The claimant was the full-time Prospect Chartercare registrar. Claimant was placed on a performance improvement plan. A 2nd performance improvement

> plan was issued the beginning of 2024. The plan was extended, and the claimant was issued a 3rd performance improvement plan. Claimant refused to sign the plan and resigned.

Dec. of Referee, at 1; *ER* at 32. These findings led the Referee to prepare the following conclusions of fact and law on the good-cause issue:

> … The issue in this case is whether or not the claimant left work voluntarily with good cause within the meaning of Section 28-44-17 of the Rhode Island Employment Security Act.
>
> It was the claimant's contention that her errors were not "grievous errors" that supported being written up. She considered the performance improvement plans as abusive behavior on the part of the employer. The extension and re-issuing of performance improvement plans are used in an effort by employers to retain and improve the performance of their employees and it is not considered an unprofessional or abusive practice.
>
> Claimant chose to place herself into a position of total unemployment rather than to cooperate with the employer, whether or not it was her personal opinion that her errors were not grievous enough to warrant employer attention, to improve her performance and continue her employment.
>
> 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. Sufficient credible testimony and evidence has been provided to support the above conditions.

Dec. of Referee, at 1-2; *ER* at 32-33. In sum, the Referee found that Ms. Guglielmi quit without good cause — because being corrected by her supervisor did not constitute, based on the evidence presented, abuse. She therefore failed

to demonstrate that her position had become unsuitable under § 28-44-17. As a result, the Director's denial of benefits was affirmed.

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 2. In a decision issued on February 13, 2025, 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.*

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:

> **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 parties agree that Ms. Guglielmi quit rather than sign a third PIP plan.

Now, it is indisputable that there is nothing abusive *per se* in an employer, through its supervisory staff, correcting an employee concerning the

method by which the worker will carry out her duties. Of course, such corrections may become problematic if they are carried out in an abusive manner. Undoubtedly, that is why the Referee, in fulfilling his duty under G.L. 1956 § 28-44-46 to "inquire into and develop all facts bearing on the issues," kept asking Ms. Guglielmi to provide *instances* of bullying or other improper behavior on the part of Ms. Pacheco or Ms. Silva. But such examples were not forthcoming. Clearly, the Referee found an absence of proof on this allegation of abusive treatment.[5]

Moreover, this Court has held that criticism by a superior does not constitute good cause to quit. *See Ward v. Department of Employment and Training, Board of Review,* A.A. No. 96-51 (Dist.Ct. 9/4/96) (DeRobbio, C.J.) (Board determined claimant not entitled to benefits; affirmed, where claimant walked off job when work-product was criticized) *and Andreoni v. Department of Employment and Training, Board of Review,* A.A. No. 94-71 (Dist.Ct. 7/22/96) (DeRobbio, C.J.) (Claimant quit when embarrassed by criticism of her production by supervisor; denial of benefits affirmed). And so, the Board's

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[5] And this result would have been required even if the third PIP was a form of reprimand, and not merely a performance corrective. *E.g. Medeiros v. Dep't of Employment and Training, Bd. of Review,* A.A. No. 94-221, slip op. at 4-5, 7-8 (Dist.Ct. 6/19/1995) (Denial of benefits to claimant dining room manager *affirmed*, where claimant resigned after being placed on probation due to food and service complaints); *Capraro v. Dep't of Employment & Training, Bd. of Review,* A.A. No. 95-151, slip op. at 6-7 (Dist.Ct. 6/19/95) (DeRobbio, C.J.) (Insertion of warning letter into claimant's personnel file did not constitute good cause to quit; denial of benefits *affirmed*); *Vienne v. Dep't of Employment Security, Bd. of Review,* A.A. No. 81-382, slip op. at 1-2, 5 (Dist.Ct. 11/23/1982) (DelNero, J.) (Denial of benefits *affirmed*, where reprimand did not cause chef's position to become unsuitable). The view has been that a worker who has been disciplined unfairly should stay in his or her current position until he or she can locate a replacement.

decision finding that her supervisor's behavior had not made Ms. Guglielmi's position unsuitable cannot be found to be clearly erroneous or contrary to law.

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. Guglielmi 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. Guglielmi's claim for benefits be AFFIRMED.

/s/
Joseph P. Ippolito
MAGISTRATE

August 28, 2025