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

CA'LEA L. DANIEL	:	
	:	
v.	:	**6AA-2023-00006**
	:	
DEPARTMENT OF LABOR AND TRAINING,	:	
BOARD OF REVIEW	:	

JUDGMENT

This cause came before Isherwood J. on Administrative Appeal, and upon review of the record and a decision having been rendered, it is

ORDERED AND ADJUDGED

The decision of the Board of Review is affirmed.

Dated at Providence, Rhode Island, this 29th day of October, 2025.

Enter: By Order:

_____/s/_____ _____/s/_____

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DEPARTMENT OF LABOR AND TRAINING, BOARD OF REVIEW	:	

DECISION

Isherwood, J. This matter comes before the Court on appeal of the Rhode Island Department of Labor and Training Board of Review's (hereinafter "the Board") December 23, 2022 Decision. Ca'lea Daniel (hereinafter "Appellant") now asks this Court to reverse the Board's decision. This matter has been referred to this Court for Decision pursuant to G.L. 1956 § 28-44-52.

I
Facts and Travel
A
Background

This matter was initially heard pursuant to the denial of employment security benefits following the conclusion of Appellant's employment as a customer service representative for the City of Pawtucket Water Supply Board (hereinafter "Employer"). *See* Record (R.). Appellant worked for Employer for approximately three weeks and concluded on June 22, 2022. (Decision of Referee 9.) Appellant alleges that she made the decision to resign "due to a toxic work

environment that was unsuitable to [her] health and well-being." *Id.* Following her resignation, Appellant applied for employment security benefits to be effective on August 28, 2022, but was subsequently denied. (Employment Benefit Claim 1.)

Following the Department's denial of her claim, Appellant submitted an appeal to the Board. *See* Compl. At an October 20, 2022 hearing, Appellant testified before a Referee of the Board. *See* Hr'g Tr. Appellant testified that she was "harassed on a daily basis by colleague Kimberly Allen."[1] *Id.* at 9. She stated that "whenever [Kimberly] would find a mistake on any of the paperwork assigned to [Appellant], she would indirectly yell out her frustration with the mistake that was made." *Id.* at 13. Appellant asked Kimberly to provide her with more training, though Kimberly refused. *Id.* Kimberly however, contends that "anytime [Appellant] asked a question I did try to assist to the best of my ability." (R. (Letter, Oct. 21, 2022).) She stated that she did not speak to Appellant often, but "any interaction [between them] was pleasant." *Id.*

However, Kimberly's alleged behavior toward Appellant was observed and addressed by Appellant's supervisor, Ronald Salois (hereinafter "Mr. Salois"). (Hr'g Tr. 13.) Appellant testified that Mr. Salois called her into his office and informed her that Kimberly has "conducted herself that way for years, and [Appellant was] not the first one to have complaints or issues with it." *Id.* at 13-14. Despite this, however, he allegedly told her that there was "nothing that he [could] do because [Kimberly is] in the union so writing her up would do no justice." *Id.* at 14. Appellant never took these concerns to human resources or Mr. Salois's supervisor. *Id.* at 17. When asked if she brought her concerns regarding these incidents to the human resources office despite Mr.

[1] Employer noted that there was no record of a Kimberly Allen ever working for the City of Pawtucket. (Hr'g Tr. 19-20.) Additional documents in the record indicate that the colleague who allegedly harassed Appellant was "Kimberly Sherry." *See* R. Accordingly, she will be referred to as "Kimberly" or "Ms. Sherry" forthwith.

Salois's comments, she stated that she did not as she did not believe that anything would have been addressed or remedied. (Hr'g Tr. 19.) Employer, however, indicated that new hires are told "during the onboarding process [that] should they have any questions they can come directly to [human resources.]" *Id.* at 19.

Following this incident, Appellant again met with Mr. Salois regarding some issues he wished to discuss regarding her work product. (R. (Letter, Oct. 20, 2022).) Appellant claims that Mr. Salois "called [her] into his office, with the door open, and started to tell [her] about things [she] had done wrong the day before." (Employment Benefit Claim 1.) According to Appellant, she informed Mr. Salois that she was not trained on some of the issues he was addressing, but he told her that they were common sense. *Id.* As a result of this exchange, she "felt like [she] was being attacked" and left. *Id.* She informed Mr. Salois that she was quitting, but "did not address [her] concerns about how [she] was treated with anyone else before quitting." *Id.*

Furthermore, Appellant was monitoring a high-risk pregnancy but did not inform Employer as she knew she was not eligible for paid time off. (Hr'g Tr. 15.). However, Employer indicated that she would have been given leave should it have been medically necessary and evidenced by a doctor's note. *Id.* at 21. Employer further informed the Referee that Appellant would not have been terminated simply because she was out if she had provided a doctor's note. *Id.* Rather, Employer maintained that Appellant likely would have kept her position and would be eligible for leave without pay. *Id.* at 22.

After quitting, Appellant subsequently applied for benefits in a claim refiled on August 28, 2022 where she requested backdating to an effective date of June 19, 2022. *See* Employment Benefit Claim.

B
Department's Findings

The Department of Labor and Training (hereinafter "the Department") denied Appellant's claim on September 16, 2022. *Id.* In reaching its decision, the Department considered statements from Appellant and Employer. *Id.* Appellant stated that she was not discharged, as was previously indicated when she filed for benefits, but rather quit on her own accord. *Id.* at 1. She provided the Department with the above alleged facts regarding how she was treated at work by her co-worker and supervisor. *Id.* Employer also provided a statement indicating that Appellant quit and left without telling anyone why. *Id.* at 2. Employer stated that if Appellant "had concerns about how her performance was addressed she could have contacted human resources," though she failed to do so. *Id.* The Department held that Appellant was "denied benefits as there [was] no evidence to show the job was unsuitable." *Id.* Benefits were subsequently denied as the Department noted that Appellant "did not address her concerns with human resources prior to leaving her position." *Id.*

C
Referee's Findings

Following these findings, Appellant appealed the Department's decision to a Referee of the Board of Review. *See generally* Decision of Referee. This appeal was heard by a Referee of the Board of Review during a telephone hearing on October 20, 2022. *Id*. In considering the testimony before him, the Referee found that Appellant felt harassed by a co-worker, though she failed to "address this issue in the form of a complaint with her supervisor nor did she address this complaint with the head of her department." (Decision of Referee 1.) He emphasized that no concerns were voiced to human resources, despite Appellant being informed upon hiring that all personnel issues could be directed to the office. *Id.* The Referee stressed that Appellant may have been eligible for

leave without pay due to her medical condition, but failed to ask for leave. *Id.* He was not presented with medical documentation that states that Appellant could no longer perform. *Id.*

In considering this evidence, the Referee found that Appellant "failed to show that her job became unsuitable to the point where she had no reasonable alternative than to quit her job and place herself in a complete state of [u]nemployment." *Id.* at 2. The Referee stated that Appellant "had many potential options to solve the issue of the harassing co-worker." *Id.* However, he stressed that Appellant did not use any of the options available to her and, instead, "simply quit." *Id.* He also noted that Appellant "failed to show that she could no longer medically work at this job." *Id.* The Referee affirmed the decision of the Director and held that Appellant "left work voluntarily without good cause" and was thus not entitled to benefits. *Id.* at 3.

D
Board of Review's Findings

The Board issued a decision on December 23, 2022 affirming the decision of the Referee. *See* Decision of the Board. The Board considered the Appeal Tribunal Referee's decision and reviewed the evidence in the record before it. *Id.* In doing so, the Board found that "the findings of the Appeal Tribunal of the factual issues which are hereby incorporated by reference constitute a proper adjudication of the facts." *Id*. Furthermore, the decision stated that the Appeal Tribunal's conclusions "as to the applicable law are correct and proper and such findings and conclusions are hereby affirmed." *Id*.

II
Standard of Review

When reviewing the decision of an administrative agency, the Court "sits as an appellate court with a limited scope of review." *Mine Safety Appliances Co. v. Berry,* 620 A.2d 1255, 1259

(R.I. 1993). The Court's review is governed by the Rhode Island Administrative Procedures Act (APA), § 42-35-1.1. Section 42-35-15(g) of the APA provides:

> "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, interferences, conclusions, or decisions are:
>
> "(a) In violation of constitutional or statutory provisions;
> "(b) In excess of the statutory authority of the agency;
> "(c) Made upon lawful procedure;
> "(d) Affected by other error of law;
> "(e) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
> "(f) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion." G.L. § 42-35-15(g).

In conducting its review, a Court cannot "substitute its judgement for that of the agency concerning the credibility of witnesses or the weight of the evidence concerning questions of fact." *Blais v. Rhode Island Air Corporation*, 212 A.3d 604, 611 (R.I. 2019) (quoting *Beagan v. Rhode Island Department of Labor and Training*, 162 A.3d 619, 626 (R.I. 2017)). The findings of the agency should be upheld even if a reasonable mind might have reached a contrary result. *See D'Ambra v. Board of Review, Department of Employment Security*, 517 A.2d 1039, 1041 (R.I. 1986).

III
Analysis

Appellant maintains that this Court should reverse the Board of Review's decision. (Appellant's Mem. 1.) Appellant contends that "the Board's decision is affected by error of law because she was separated from her employer due to ongoing harassing behavior by a co-worker, which eventually caused stress that was dangerous during Appellant's documented high-risk pregnancy." *Id.* This issue is considered below.

A
Eligibility for Employment Benefits
1
Voluntary Termination

The Supreme Court has held that "'eligibility for benefit payments [is] not to be forfeited because the termination of the employment was voluntary, but only that, being voluntary, it was without good cause.'" *Powell v. Department of Employment Security, Board of Review*, 477 A.2d 93 (R.I. 1984) (quoting *Harraka v. Board of Review of Department of Employment Security*, 98 R.I. 197, 201, 200 A.2d 595, 597 (R.I. 1964).

When considering when employment termination is considered "voluntary," the Court held that an employee who quit his job in a chemical company after discovering that he had a particular sensitivity to the chemicals had good cause to terminate his employment. *Harraka*, 98 R.I. 197, 200 A.2d 595 (R.I. 1964). In another matter, the Court determined that an employee who "left her job to marry and move to another state to be with her husband did not have good cause to voluntarily terminate her employment." *Murphy v. Fascio*, 115 R.I. 33, 37, 340 A.2d 137, 139 (R.I. 1975). Accordingly, "[h]er job termination was purely voluntary and not due to circumstances beyond her control." *Id.*

Here, the record suggests that the Referee relied on sufficient evidence when determining that Appellant's termination was clearly voluntary and not beyond her control. *See* R. Appellant did not attempt to speak with human resources regarding the alleged harassment from her co-worker Kimberly. (Employment Benefit Claim.) In the statement provided within her claim for benefits, Appellant specifically stated that she was not discharged, as was originally indicated when she first filed for unemployment. *Id.* at 1. She clarified that she instead quit. *Id.* Appellant further noted that, though her supervisor Mr. Salois was aware of her interaction with Kimberly, she "did not address [her] concerns about how [she] was treated with anyone else before quitting."

Id. She refrained from reporting her concerns to the human resources office following a meeting with her supervisor, Mr. Salois, who told her that "other people had also complained about Kimberly but there was nothing [that] he could do as she was in the union." *Id.* at 2. Employer confirmed that Appellant "did not contact human resources" prior to quitting on June 16, 2022 and instead walked out without returning or telling anyone why. *Id.* In her claim, Appellant further indicated that she "felt like [she] was being attacked" by Mr. Salois after being called into his office to discuss some of the mistakes she made in her work product. *Id.* at 1. His comments were "the last straw" following her previous interactions with Kimberly two weeks prior. *Id.* at 2.

Upon reviewing the record, the Referee appropriately held that there was no evidence indicating that Appellant quit out of necessity. *See* R. Instead, she voluntarily terminated her employment because of her co-worker's alleged harassment and felt as though notifying human resources would be of no use. (Employment Benefit Claim 1.) There is no evidence indicating that Appellant was terminated. *See* R. Rather, Appellant herself admitted that she quit following these two incidents in the workplace. (Employment Benefit Claim at 1-2.) The evidence within the record suggests that Appellant left voluntarily and on her own accord not due to circumstances beyond her control. *See* R. As the Court has determined that the evidence is sufficient to support the Board's finding of voluntary termination, it must now determine whether evidence of good cause existed.

2
Good Cause

This Court now considers whether the Board relied upon sufficient evidence proving that Appellant had good cause to voluntarily quit her job. *See* R. Section 28-44-17 provides that "an individual who leaves work voluntarily without good cause shall be ineligible for waiting period credit or benefits." G.L. 1956 § 28-44-17. To recover under this, "an employee must leave both

for good cause *and* voluntarily." *Kane v. Women and Infants Hospital of Rhode Island*, 592 A.2d 137, 139 (R.I. 1991). Upon review, "'the determination of what circumstances will constitute good cause [is] a question of law.'" *Id.* The circumstances must be involuntary and "due to circumstances beyond her control." *Id.* As such, the Court has held that, "in determining what circumstances constitute good cause, the focus need not be on the degree of compulsion involved" but rather employment beyond the employee's control. *Id.* (citing *Murphy*, 115 R.I. at 36, 340 A.2d at 139).

Furthermore, in order to establish good cause, a claimant's reasons for quitting must not only involve a substantial degree of compulsion, but also demonstrate that the work was unsuitable. *Harraka*, 98 R.I. 197, 200 A.2d 595 (R.I. 1964). Accordingly, "public interest demands [the] 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 therefore are such that continued exposure thereto would cause or aggravate nervous reactions or otherwise produce psychological trauma." *Id*. Thus, "the key to this analysis is whether petitioner voluntarily terminated his employment because of circumstances that were effectively beyond his control." *Id*.

Here, the Board relied upon sufficient evidence in determining that the circumstances surrounding Appellant's decision to quit her job did not constitute good cause. *See* R. The Referee noted that Appellant "had many potential options to solve the issue of the harassing co-worker." (Decision of Referee 2.) Instead, Appellant "did not take any of those options and simply quit." *Id.* This is evidenced by Employer's statement that Appellant should have contacted human resources to address the harassment situation should she have concerns. (Employment Benefit Claim 2.) Employer has an "open door, non-retaliation policy so that employees can talk to human

resources if they have a concern with their work environment and/or supervisor." *Id.* Appellant herself admitted that she voluntarily resigned but failed to take her concerns to human resources. (Hr'g Tr. 9, 14.) She maintains that she refused to report her concerns as she believed that nothing would have been addressed by human resources following her conversation with Mr. Salois. *Id.* at 14.

Employer, however, stated that though Appellant had not been employed long enough to qualify for leave, she "could have taken sick time for up to five days with a doctor's note." Id. at 21. Lisa O'Connell, (hereinafter "Ms. O'Connell") the Human Resources Specialist for Employer, testified on Employer's behalf and stated that if a doctor's note indicated that Appellant "needed to be out for three weeks, and she came back after three weeks, then we would probably help that case . . . [and] probably keep her there." *Id.* Furthermore, Employer stated that Appellant would have been "eligible for leave without pay." *Id.* at 22. According to Ms. O'Connell, she was unaware of Appellant's pregnancy. *Id.* at 21. Mr. Salois, however, indicated that Appellant told him that she was pregnant on June 21, 2022, but told him that she was not telling anyone else. (R. (Letter, Oct. 20, 2022).

While Appellant argues that she voluntarily left her position for good cause "as [Kimberly]'s behavior, and the resulting work environment, was causing her to experience an amount of stress which was medically unhealthy for [her] and her unborn child," this Court is persuaded by the Referee's finding that Appellant "failed to show that her job became unsuitable to the point where she had no reasonable alternative than to quit her job and place herself in a complete state of [u]nemployment." (Appellant's Mem. 1; Decision of Referee 2.) The record is void of evidence indicating that these circumstances were beyond Appellant's control. *See* R. Appellant failed to seek support from human resources and report the alleged harassment to file

an official claim. (Hr'g Tr. 14.). While she maintains that she was simultaneously monitoring a high-risk pregnancy, the Referee relied on substantial evidence within the record indicating that Appellant failed to provide human resources with a doctor's note supporting this medical condition in order to receive leave without pay. *Id.* at 14-15. As the record is lacking and void of substantial evidence indicating otherwise, the Court finds it reasonable for the Referee to conclude that Appellant left work voluntarily without good cause. (Employment Benefits Claim 3.)

This Court finds that the Referee properly relied on the evidence before it when reaching his decision. *See* Decision of Referee. While these circumstances may have been upsetting to Appellant, she failed to provide sufficient evidence indicating that her voluntary leave was with good cause. *See* R.

3
Reasonable Alternatives

A claimant must seek reasonable alternatives within their employment before voluntary termination. *Camaras v. Board of Review of Department of Employment Security*, No. C.A. NO. 73-107, 1977 WL 186318, at *2 (R.I. Super. Feb. 2, 1977). As such, "where the unsuitability of the position arises from conditions that are within the control of management to alleviate, the worker, before taking the drastic step of becoming unemployed, must bring the issue to the attention of his or her superiors, to afford them the opportunity to cure the problem." *Moore v. Department of Labor and Training Board of Review*, A.A. No. 16-65 (Dist. Ct. 8/29/2017) (Ippolito, M.) (citing *Bem v. Department of Labor and Training, Board of Review*, AA. No. 14-433, at 9, 12 (Dist.Ct. Mar. 19, 2015) (denial of benefits affirmed because claimant construction worker did not attempt to sit down with employer regarding his abusive conduct); *Pichette v. Department of Labor and Training, Board of Review*, A.A. No. 13-50, at 12-14 (Dist.Ct. Nov. 25, 2013) (denial of benefits affirmed where claimant's resignation, which was prompted by his

concern for his status with his employer, was premature); *Barbera v. Department of Employment and Training Board of Review*, A.A. No. 96-38, at 5 (Dist.Ct. May 6, 1996) (DeRobbio, C.J.) (good cause for resignation was not shown despite allegation of harassment by supervisor where claimant failed to report the incidents to higher management); *Boisvert v. Department of Employment Security Board of Review*, A.A. No. 77-271, at 2-3 (Dist.Ct. Feb. 12, 1982) (Beretta, J.) (benefits denied where Claimant did not bring conflict with supervisor to the attention of upper management or human resources officer).

Here, the evidence fails to suggest that Appellant did not seek reasonable alternatives to solve the issue she was facing at work. *See* R. She has not provided sufficient evidence that proves that she properly reported the alleged harassment or took reasonable means to file a complaint. *Id.* Instead, Appellant did not inform anyone, aside from Mr. Salois who overheard the interaction. (Hr'g Tr. 14-15.). While Mr. Salois allegedly told Appellant that filing a claim was useless as Kimberly was a member of the union and would not be reprimanded, Appellant was informed at the start of her employment that she should seek out human resources whenever an issue arose. *Id.* at 19. Though Appellant suggests that Mr. Salois told her not to report the issue with Kimberly, the evidence in the record suggests that the human resources office was willing to help. *Id.* at 19-21. Appellant also testified that she had sought out human resources when working for a different employer and understood the importance of the office. *Id.* at 18. The evidence suggests that Appellant quit her position and subsequently filed for unemployment benefits without attempting to resolve the issues at work by speaking to human resources, despite being directed to only three weeks prior. *See* R.

This Court is persuaded by the Referee's finding, and Board's affirmation, that Appellant has "failed to show that her job became unsuitable to the point where she had no reasonable

alternative than to quit her job." (Decision of Referee 2.) There is sufficient evidence to conclude that meeting with human resources, which was offered to Appellant three weeks prior when she started her position, would have provided her with another reasonable alternative to quitting. *See* R. As such, this Court finds that sufficient evidence was relied upon in denying employment benefits as Appellant failed to seek reasonable alternatives prior to voluntarily terminating her job. *See* R.

IV
CONCLUSION

After a thorough review of the entire record, this Court finds that the Board of Review's decision to deny claimant unemployment benefits under § 28-44-18 of the Rhode Island Employment Security Act was not "clearly erroneous in view of the reliable, probative and substantial evidence on the whole record." Gen. Laws 1956 § 42-35-15(g)(3)(4). Neither was said decision "arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion." Gen. Laws 1956 § 42-35-15(g)(5)(6). Accordingly, the decision rendered in this case by the Board of Review be AFFIRMED.