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

P.D. Humphrey Co., Inc.	:	
	:	
v.	:	**6AA-2025-00023**
	:	
Department of Labor and Training,	:	
Board of Review	:	
(Brady Beaulieu)	:	

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 May, 2026.

Enter:

/s/
Jeanne E. LaFazia
Chief Judge

By Order:

/s/
Jaime Hainsworth
Clerk

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F I N D I N G S & R E C O M M E N D A T I O N S

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 granted unemployment benefits to Mr. Brady Beaulieu (Claimant), based on its finding that Mr. Beaulieu had good cause to leave his previous position with the P.D. Humphrey Company (Employer or Appellant), as provided in G.L. 1956 § 28-44-17. Believing itself aggrieved by this ruling, the Employer filed the instant complaint for judicial review, which this Court is authorized to entertain pursuant to the procedures set forth in G.L. 1956 § 42-35-15. 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

The P.D. Humphrey Company employed Mr. Brady Beaulieu for three years; his last day of work was June 7, 2024. *See* DLT FORM 480 (Employment Data) (which may

be found in the 44-page Electronic Record (*ER*) attached to this case, at 29). He filed a claim for unemployment benefits on September 26, 2024, which was made effective on September 22, 2024. *See* DLT FORM 480 (Claim Data); *ER* at 29. Consequently, Mr. Beaulieu was interviewed by an adjudicator employed by the Department of Labor and Training (the Department) on October 9, 2024, regarding the reasons for his separation from P.D. Humphrey. *See* DLT FORM 480 (Claimant Statement); *ER* at 29.

Claimant Beaulieu told the adjudicator that he quit because of the mistreatment he was receiving from certain co-workers. *Id.* He stated:

> I have completed the voluntary quit form and I do want to provide additional details regarding my employment. I am unsure of my last day of work. I indicated 07/09/24 on the questionnaire but I indicated 06/05/24. I believe to the best of my knowledge, it was June. I have been advised to continue to use the payment system weekly. I am no longer under medical care due to my mental and physical health this job was taking a toll on. The medical care I received was at the emergency room and no further treatment was advised. The doctor told me no job was worth the stress I was under. However, the doctor did not write a specific note stating that. I have not had subsequent employment since leaving that job. I have no restrictions on my ability to look for work. I have been advised to continue to use the payment system weekly.

Id. From this summary recorded by the adjudicator we may infer that Mr. Beaulieu left the employ of P. D. Humphrey due to harassment and the stress it caused him. *Id*.

The adjudicator also spoke to a representative of the Employer — its Office Manager, Grace Hall — and she gave the following account of Mr. Beaulieu's separation:

> Brady is a great kid. He was an excellent worker. There were no issues brought to our attention. On 06/07/24, it was a Friday. I was in the warehouse and I overheard an employee saying goodbye to Brady. I was shocked because he did not say anything to anyone and when I went to look for him, sure enough he was shaking someone's hand. I went up to him and asked; Brady, what is going on? He replied: "Yeah, I am leaving" I asked him if Steve knew and he said no. So I said lets go talk to him. In Steve's office, he stated that he was not

> happy and that he wanted to leave. I even asked him a couple of times if he was sure. I know it was a Friday, because I asked if he wanted the weekend to think about it. He said no. We wished him well and that all. I saw him a few weeks ago, he was here. I asked if he was working, he said no. He did not mention any medical issues. He did not request a leave of absence but he would have been eligible for FMLA. If he is saying this was medically related, I would bet this has something to do with his mother. She is — there is no other way to put this — Crazy. Once she came here yelling at people mistreating Brady. He has a medical condition that affects his arm but we hired him like that. He never had any performance issues related to his arm.

See DLT Form 480 (Employer Statement); *ER* at 30.

On October 17, 2024, the adjudicator, acting as a designee of the Director of the Department of Labor and Training, issued a Decision regarding Mr. Beaulieu's claim. *See Dec. of Director,* No. 2428324-00, at 1; *ER* at 42. The adjudicator declared:

> You state you quit your job because you were dissatisfied with the work environment.
>
> The issue is whether you left your job with good cause under the provisions of Section 28-44-17 of the Rhode Island Employment Security Act.
>
> Your leaving is considered to be without good cause as there is no evidence that your job was unsuitable. Benefits are denied as indicated below.

Id. Thus, benefits were denied because no evidence had been presented showing that his position was unsuitable. *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. *Id.*[1]

Mr. Beaulieu filed an appeal. *See Request for a Hearing Before Board of Review and Claimant Internet Appeal. ER* at 43-44. And so, a telephonic hearing was scheduled before a hearing officer employed by the Board, a *Referee*, on December 12, 2024.

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[1] The Director's Decision also found, pursuant to G.L. 1956 § 28-44-38(c), that the Employer lacked standing to challenge Mr. Beaulieu's claim because it failed to return the Notice of Claim form to the Department within the statutorily prescribed period. *Id*.

At the hearing, Claimant appeared without counsel; the Employer was entirely unrepresented. *Ref. Hr'g Tr.* at 1.[2] After the witness was sworn and the contents of the file were enumerated, the Referee began to question Mr. Beaulieu. *Id.* at 6. The Referee's first inquiry concerned *when* he decided to resign; in response, Claimant stated he decided on the day he quit. *Id.* The Referee's second question concerned *why* he quit; Mr. Beaulieu, who had held the position of "warehouse manager" for one year at the time of his separation, responded:

> So, I have been disrespected many times by several other employees. They constantly harassed me whether it be from coworkers or in front of customers and that I was doing several jobs that I was not supposed to be doing, and then, I didn't want to take that disregard anymore, and I left. I told the VP, and that was that.

Id. And, when asked to specify what he meant by instances of disrespect, Claimant said:

> So, there was another manager who would talk to me in front of employees whether it would be calling me retarded or handicapped in front of customers, which that would follow with other employees doing the same, and then, um, most recent to my leaving was he brought a customer over who had a shirt with a stick finger holding a brain asking did you lose this? Then, he was just saying that I had no brain to this customer.

Id. at 6-7. In response to further questions from the Referee, Mr. Beaulieu stated that he brought his concerns to the attention of management verbally, but, to his knowledge, nothing was done. *Id.* at 7. He also indicated that he was subjected to this type of treatment every day during the three years he was employed by P.D. Humphrey. *Ref. Hr'g Tr.* at 7. He indicated that his Vice-President told him that he was "just misunderstanding because I am a kid." *Id.* at 8. He added that the paint manager (who was among those who

[2] The 10-page hearing transcript may be found in the electronic record of the case, beginning on page 7.

mistreated him) was a friend of the Vice President; and, he quoted the Vice President as saying that he didn't like confrontation. *Id*.

The Referee then focused Claimant's attention on the day he quit. *Id*. Claimant indicated that a new assistant manager was bringing down pallets and leaving them in the warehouse, because he was upset with the paint manager. *Id*. at 9.[3] Mr. Beaulieu described the paint manager to be someone who "disrespects everybody that he meets." *Id*. at 10. He gave, as examples, the way he treated a gentleman with no teeth and another coworker who was from Puerto Rico. *Id*. Finally, Claimant stated that he constantly gave his employer notice of his mistreatment, though he never gave them an ultimatum that he would leave if his working climate did not improve. *Id*. at 11.

On the next day, December 13, 2024, the Referee issued his decision. His findings of fact regarding the leaving-for-good-cause issue read as follows:

> I find by preponderance of credible testimony the following findings of fact:
>
> Claimant was a full-time PD Humphrey Company employee who worked as the warehouse manager for his last year of employment. Claimant was unhappy with his work environment. Without notice the claimant quit his last day of work.

Dec. of Referee, at 1; *ER* at 26. These findings led the Referee, after quoting extensively from the provisions of G.L. 1956 § 28-44-17, to prepare the following conclusions of fact and law on the good-cause issue:

> …
>
> Although the Department of Labor and Training record reflects that the claimant referred to medical issues during his adjudication, he provided no testimony or evidence on that issue at hearing. He testifies to employees and managers

[3] Claimant did not explain why this action was problematic.

> treating him and other employees disrespectfully Claimant chose to resign.
>
> 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 testimony and no evidence have been provided to support either of the above conditions.

Dec. of Referee, at 1-2; *ER* at 26-27. In sum, the Referee found that Claimant had provided insufficient evidence to prove that the conditions under which he was working made his job unsuitable. Based on these conclusions, the Referee affirmed the Decision of the Director regarding Claimant's disqualification pursuant to § 28-44-17. *Id*. at 2; *ER* at 27.[4]

On December 30, 2024, after the expiration of the fifteen-day appeal period set forth in G.L. 1956 § 28-44-47, Claimant appealed to the full Board of Review. *See Dec. of Board of Review I* (January 23, 2025), at 1; *ER* at 20. However, on January 23, 2025, the Board issued a decision permitting his late appeal to be heard. *Id*.

Thereafter, on February 13, 2025, the Board decided the appeal based on the record assembled by the Referee, as it is permitted to do under G.L. 1956 § 28-44-47. *Dec. of Bd. of Review II,* at 1-2; *ER* at 2-3. And, in a decision issued on February 13, 2025, the Board adopted the Findings of Fact of the Referee as its own. *Id*. at 1; *ER* at 2. It then presented the following conclusions on the § 28-44-17 issue:

> On review, the Board finds that the evidence Claimant submitted is sufficient to support a finding that Claimant did not voluntarily quit his position without good cause as defined in Section 28-44-17 of the Act.
>
> Claimant's undisputed testimony establishes that Claimant was harassed by his manager. Claimant brought his concerns to the Employer in an attempt to resolve the issues. The

[4] The Referee noted that (a) P.D. Humphrey had not taken an appeal from the Director's finding that it lacked standing to oppose Mr. Beaulieu's claim and (b) that it offered no evidence opposing the finding. *Dec. of Referee,* at 2; *ER* at 27. And so, the Employer's debarment continued. *Id*.

> Employer acknowledged that he had similar reports from other employees but dismissed Claimant's concerns.
>
> Accordingly, Claimant met his burden to show that the repeated harassment by his manager rendered his position unsuitable and that he took reasonable steps to preserve his employment prior to placing himself in a state of unemployment. The Board concludes that Claimant met his burden to show that he voluntarily quit with good cause as defined in Section 28-44-17 of the Act.

Dec. of Bd. of Review II, at 1-2; *ER* at 2-3. The Board therefore reversed the decision of the Referee on the substantive issue of whether Claimant left his employment at PD Humphrey for good cause and found Claimant eligible to receive benefits. *Id*. at 2; *ER* at 3.

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. Dep't of Soc. Welfare,* 122 R.I. 583, 588, 410 A.2d 425, 428 (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. Bd. of Review of the Dep't of Emp't Security,* 104 R.I. 503, 506, 246 A.2d 213, 214-15 (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 Dep't of Health,* 253 A.3d 879, 884-85 (R.I. 2021) (quoting *Endoscopy Assocs., Inc. v. Rhode Island Dep't 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. Bd. of Review, Dep't of Emp't 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. Bd. of Review of Dep't of Emp't 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. Moreover, 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 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, supra*, 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, supra*. 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. Dep't of Emp't 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 at 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.

D

Harassment as Grounds for Good Cause

Having addressed the element of good cause in a general way, it now behooves us to focus on the reason Claimant Beaulieu presented as his reason for leaving his position at P.D. Humphrey — harassment. While there does not seem to be a Rhode Island Supreme Court decision recognizing harassment as a circumstance upon which a finding that a claimant had good cause to quit may be based, Courts in our sister states have found that a pattern of verbal abuse may provide an employee with good cause to quit. The rationale for this ruling was stated succinctly by the District of Columbia Court of Appeals in 2013:

> We have not had occasion in our prior cases to determine whether an employee who quits her job because of verbal abuse as opposed to, say, unsafe working conditions may claim to have quit for good cause connected to the work. We therefore take this opportunity to set forth the standard we believe ALJs should apply in considering claims of verbal abuse as justification for an employee to terminate her employment voluntarily. Petitioner argues that "yelling at an employee for a serious mistake ought not to qualify as "good cause to leave voluntarily." We agree that "employers have every right to correct or admonish their employees in a reasonable manner when dissatisfied"; however, "employees are not required to accept undue verbal abuse from employers." *Dempsey v. Old Dominion Freight Lines*, 645 So. 2d 538, 539 (Fla.Dist.Ct.App.1994). *Accord, Partee v. Winco Mfg., Inc.*, 141 S.W.3d 34, 38 (Mo.Ct.App.2004) ("An employee should not have to endure verbal abuse as a condition of employment."); *McPherson v. Emp't Div.*, 591 P.2d 1381, 1390 (Or. 1979) (stating that employees are not required to "sacrifice all other than economic objectives and, for instance, endure … personal abuse[ ] for fear that abandoning an oppressive situation will disqualify [them] from [receiving] unemployment benefits").

Imperial Valet Services, Inc. v. Maria L. Alvarado, 72 A.3d 165, 167 (D.C. 2013) (affirming ALJ's decision granting benefits to a Claimant whose Employer had a habit of calling her "stupid" and "a piece of crap"). *Also*, *Eulo v. Florida Unemp't Appeal Comm'n,* 724 So.2d

636, 638 (Fla. 2nd DCA 1999) (Medical transcriptionist quit after constant harassment and verbal abuse from supervisor for nearly two years; *Londahl v. Emp't Div.,* 72 Or. App. 366, 369-70, 695 P.2d 1388, 1389-90 (1984) (Restaurant bus person quit after years of being called "fatso," "stupid," and "retarded"; denial of benefits by the Employment Appeals Board *reversed*). *See also* 76 AM. JUR. 2d *Unemployment Compensation* § 125 (Feb. 2026 Update) *and* J.O. Pearson, Jr., ANNOT., 76 A.L.R.3d 1089, *Unemployment Compensation: Harassment or Other Mistreatment by Employer or Supervisor as "Good Cause" Justifying Abandonment or Employment,* § 4 (1977).

For our part, this Court has recognized continuing verbal abuse as constituting, in principle, good cause to quit on many occasions — whether the particular allegation was deemed proven or not. *See Taylor v. Dep't of Emp't and Training, Bd. of Review,* A.A. No. 95-204, slip op. at 5-6 (6/10/96) (DeRobbio, C.J.) (Claimant's allegations of harassment — by modifying his duties — deemed unproven); *Barbera v. Dep't of Emp't and Training, Bd. of Review,* A.A. No. 96-38, slip op. at 4-5 (5/6/1996) (DeRobbio, C.J.) (Claimant's allegations of harassment by supervisor failed to satisfy burden of proof regarding good cause to quit — especially since the Claimant failed to bring the instances of alleged harassment to the attention of upper management); *Hopwood v. Dep't of Emp't and Training, Bd. of Review,* A.A. No. 93-10, slip op. at 4-5 (8/23/1994) (DeRobbio, C.J.) (Good cause to quit deemed unproven in light of supervisor's testimony before the Board denying allegations of harassment based on criticism of Claimant's work); *Harrison v. Dep't of Emp't and Training, Bd. of Review,* A.A. No. 93-85, slip op. at 6-12 (3/8/1994) (Thompson, J.) (Board's finding that Claimant quit without good cause reversed where supervisor abused and threatened Claimant, repeatedly used the "n" word in reference to him, and consistently alluded to Claimant's condition as a recovering alcoholic); *Broccoli*

v. Dep't of Emp't and Training, Bd. of Review, A.A. No. 93-9, slip op. at 4 (6/1/93) (Rahill, J.) (Female claimant's assertions concerning improper language and favoritism shown toward others deemed insufficient to justify quitting under § 28-44-17); *Newport Mem. Park v. Dep't of Emp't and Training, Bd. of Review,* A.A. No. 90-122, slip op. at 5-6 (9/8/91) (DeRobbio, C.J.) (Board's finding that Claimant, a recovering alcoholic, quit for good cause affirmed, where Employer made repeated references to alcohol and told stories about drunks); *Bousquet v. Dep't of Emp't Sec., Bd. of Review,* A.A. No. 82-336, slip op. at 5-7 (5/31/1983) (Pederzani, J.) (Court reverses denial of benefits where Claimant described personality conflict with new supervisor — who constantly criticized claimant's work — because Board's decision misconstrued the meaning of the statutory term "good cause"); *Boisvert* v. *Dep't of Emp't Sec., Bd. of Review,* A.A. No. 77-271, slip op. at 2-3 (2/12/1982) (Beretta, J.) (Denial of benefits reversed where Claimant declined a transfer and where Claimant never brought personality conflict with supervisor to the attention of the personnel office).

This Court has also recognized that, generally, Claimants asserting that they left a position because of abuse or harassment by a supervisor or co-worker must show that they brought the matter to the attention of higher management or their firm's human resources office, in order to give the employer an opportunity to cure the problematic behavior. *See Bem v. Dep't of Labor and Training, Bd. of Review,* A.A. No. 14-433, slip op. at 9 (3/19/2015) (citing *Barbera* and *Boisvert*, *supra*) (Claimant claimed supervisor's screaming and yelling constituted abuse). *Also, Andreoni v. Dep't of Emp't and Training, Bd. of Review,* A.A. No. 96-052, slip op. at 4-5 (Dist.Ct. 7/22/1996) (DeRobbio, C.J.) (Claimant testified that he was harassed and belittled by his sales manager was denied benefits because he never brought these allegations to the attention of the ownership) *and*

Moore v. Dep't of Labor and Training, Bd. of Review, A.A. No. 2016-065, slip op. at 16-17, 28-29 (8/29/2017) (Emphasizing, in affirming the denial of benefits to the Claimant, that he did not give the employer an opportunity to cure). This is necessary doctrinally because, if their Employers took steps to ameliorate the situation, the Claimants would be unable to show that they left their prior positions under a substantial degree of compulsion or that their positions were irretrievably unsuitable. *See Sankey v. Dep't of Labor and Training, Bd. of Review,* A.A. No. 2016-028, slip op. at 21-22 (11/30/2016). The corollary that the Claimant must give management the opportunity to ameliorate the problematic behavior has also been recognized nationally. *See* 76 AM.JUR. 2d *Unemployment Compensation* § 126 (Feb. 2026 Update) *and Pearson*, Annot., 76 A.L.R.3d 1089, *supra*, § 3 at 10-11.

IV
Analysis
A
Positions of the Parties
1
The Position of Appellant P.D. Humphrey Company

The Appellant/Employer P.D. Humphrey Company began the 22-page Memorandum of Law it submitted to this Court on September 17, 2025, by presenting its version of the facts of record, *Employer's Mem. of Law,* at 2-11, and the applicable standard of review, *id.* at 11-12). It then set forth four legal arguments, *id.* at 12-21, which shall now be enumerated *seriatim*.

In its *first* assignment of error, the Employer asserts that it was denied due process of law because it was not given notice of the hearing which the Referee conducted on December 12, 2024. *Id.* at 12-15. P.D. Humphrey claims it was prejudiced by this omission because, in its decision, the Board gave great weight to the testimony of Claimant

Beaulieu because it was "undisputed," while it was deprived of the opportunity to present evidence to the contrary or to cross-examine Mr. Beaulieu when he testified. *Id*. at 12-13. In support of this argument Appellant cited several statutes, including (1) G.L. 1956 § 28-44-44 which requires "all interested parties" to be given "a reasonable opportunity for a fair hearing," (2) G.L. 1956 § 28-44-39(c), which includes an employer within its definition of an "interested party," and (3) G.L. 1956 § 42-35-9(b), which sets forth the attributes of a "reasonable notice." *Id*. at 13. P.D. Humphrey also asserts that when it failed to receive notice of the hearing before the Referee it was deprived of due process. *Id.* at 14 (citing *Riley v. Narragansett Pension Bd.,* 275 A.3d 545, 551 n.7 (R.I. 2022) (citing *Mathews v. Eldridge,* 424 U.S. 319, 348 (1976))).

P.D. Humphrey's *second* claim of error concerns what it terms *inconsistencies* between the findings of fact made by the Referee — which were adopted by the Board of Review as its own — and the Board's conclusions. *Id.* at 15-17. Under this heading, P.D. Humphrey begins by reciting those situations constituting "good cause" which are enumerated in subsection 28-44-17(a), but then concedes that, in *Harraka, supra,* our Supreme Court held that workplace conditions which "would cause or aggravate nervous reactions or otherwise produce psychological trauma" may constitute good cause to quit. *Id*. at 15 (quoting *Rocky Hill School v. State Dep't of Emp't and Training,* 668 A.2d 1241, 1243 (R.I. 1995) (citing *Harraka, supra,* 200 A.2d at 597-98)).

Appellant then reminds us that, in the instant case, the *Referee* was the fact-finder, not the Board of Review, because the Board "adopted and incorporated" the Referee's Findings of Fact as its own. *Id.* at 16. And so, it argues that this Court "must give deference to the Referee's factual findings and the reasonable conclusions that followed therefrom." *Id*. at 16 (citing *R.I. Temps, Inc. v. Rhode Island Dep't of Labor and*

Training, 749 A.2d 1121, 1125 (R.I. 2000)). P.D. Humphrey then lists the Referee's essential factual findings — among them, (a) that Claimant "was unhappy with his work environment," (b) that "without notice [he] quit [on] his last day of work", and (c) that Claimant offered "no evidence" and "insufficient testimony" to show that his position with P.D. Humphrey had become unsuitable. *Id*. (citing *Dec. of Referee,* at 1). Appellant then concludes its second argument by arguing that the Board failed to explain how it reconciled these *findings* with its *conclusion* that Mr. Beaulieu met his burden of proving that he resigned for good cause. *Id*. at 16-17 (citing *Nat'l Dev. Grp. v. R.I. Dep't of Bus. Regulations,* C.A. No. PC-2023-3528, 2024 R.I. Super. LEXIS 97, at *60-61 (10/21/24)).

The Appellant's *third* claim of error labels the Board's conclusion to be "implausible" and an "abuse of discretion." *Emp'r's Mem. of Law,* at 17-20. P.D. Humphrey asserts that, at most, the record supports a finding that Mr. Beaulieu felt disrespected by his colleagues — and such name-calling does not amount to "good cause" under § 28-44-17. *Id*. at 17. In support of this argument it cites and discusses *Harraka, supra,* and *Powell, supra:* in its view, the former is distinguishable from the instant case because here Claimant relied on his subjective feelings of discomfort, while Mr. Harraka displayed objectively observable symptoms; similarly, it contrasted Mr. Powell's *need* to preserve his credibility in the public relations arena with Mr. Beaulieu's unhappiness with his work environment. *Id*. at 18-20. And so, it urges that Mr. Beaulieu's situation could not be deemed good cause to quit. *Id*. at 20.

The Employer's *fourth* and final argument is that the Board's failure to provide notice of the hearing before the Referee meant that the record was nearly bereft of testimony and evidence giving its point-of-view regarding the cause of Mr. Beaulieu's separation; it urges that this circumstance deprived it of fundamental due process. *Id.* at

21. And so, it asserts that this Court should disregard the testimony given by Mr. Beaulieu before the Referee or, in the alternative, remand the case to the Board so that a new hearing can be held. *Id.* at 21.

2

The Position of Appellee Board of Review

In its Memorandum of Law, the Board of Review, like Appellant, makes four arguments.

First, the Board asserts that Claimant's testimony regarding the abuse he endured and the evidence of record supported the Board's finding of good cause, because it satisfied the twin requirements of "a substantial degree of compulsion" and "unsuitability." *Board of Review's Mem. of Law,* at 4 (citing *Harraka, supra* and *Cahoone, supra*). The Board then quoted from its conclusion:

> Claimant's undisputed testimony establishes that Claimant was harassed by his manager. Claimant brought his concerns to the Employer to resolve the issues. The Employer acknowledged that he had similar reports from other employees but dismissed Claimant's concerns.

Id. at 4 (citing D*ecision of Bd. of Review,* at 2). Consequently, in the Board's estimation, Mr. Beaulieu "was left with no alternative but to resign." *Id.* at 4. Finally, under this heading, the Board states that the Employer relies upon evidence beyond the record, which is barred under the Administrative Procedures Act. *Id.* at 5 (citing G.L. 1956 § 42-35-15(f) and *Barrington Sch. Comm. v. R.I. State Labor Rels. Bd.,* 608 A.2d 1126, 1138 (R.I. 1992)).

In its *second* argument, the Board discusses a well-settled principle of our section 17 jurisprudence which was alluded to in its first argument — that is, that before an employee quits because of a workplace condition within the control of management, the worker must bring the issue to the attention of a supervisor, giving management the

opportunity to cure the problem. *Id.* at 5-6 (citing *Moore v. Dep't of Labor and Training, Bd. of Review,* A.A. No. 2016-65 (Dist.Ct. 8/29/2017) (Ippolito, M.); *Pichette* v. *Dep't of Labor and Training, Bd. of Review,* A.A. No. 2013-50, slip op. at 12-14 (Dist.Ct. 11/25/2013) (Ippolito, M.); *Barbera, supra,* A.A. No. 96-38, slip op. at 5; *Boisvert, supra,* A.A. No. 77-271, slip op. at 2-3. At this juncture, the Board reminds us that Claimant Beaulieu testified that he reported the harassment he endured to the Employer on multiple occasions, but the Employer "excused the harassment and attributed it to Claimant's youth and inability to understand." *Board of Review's Mem. of Law,* at 6. Even intervention by Claimant's Manager to the Employer's Vice-President was unavailing. *Id.* And so, the Board asserts it was correct to find that Claimant's position had become unsuitable. *Id.*

The *third* argument presented in the Board of Review's Memorandum of Law asserts that it acted properly (and within its authority) when it reversed the *Decision* issued by the Referee based on the *record* created by the Referee. *Id.* at 6-7 (citing § 28-44-47). And, for the reasons presented in its first two arguments, the Board asserts that its Decision was supported by evidence of record. *Id.* at 7.

In its *fourth* and final argument, the Board disputes P.D. Humphrey's assertion that it was not given notice of the hearing conducted by the Referee in this case. *Id.* at 7-10. The Board indicates that the Referee referenced such a notice when he listed the documents in the file, and it presents a copy of that document in the Appendix to its Memorandum. *Id.* at 7-8 (citing Appendix A). In addition, the Board notes that there is no doubt that the Employer received a copy of the Decision that it (the Board) rendered — because the Employer filed a timely appeal; and the Referee Decision had earlier been sent to the same address. *Id.* at 8. The Board also observes that, before it issued its *ultimate* Decision regarding the merits of Mr. Beaulieu's claim, it had issued a *preliminary* Decision

allowing Claimant's late appeal, a copy of which was sent to all parties. *Id*. (citing *ER* at 20-21). Moreover, it issued an additional Notice on February 4, 2025, indicating that the matter was pending before the Board of Review and that it could be decided without a further hearing, in accordance with § 28-44-47. *Board of Review's Mem. of Law,* at 8 (citing *ER* at 5-6). In sum, the Board argues that it is "implausible" that the Employer received each of these communications except the Notice of the Referee's Hearing. *Id*. at 9. And even if it did not, it could have joined the administrative process later. *Id*.[5]

B

Discussion

In this appeal the Employer has raised both procedural and substantive challenges to the Board of Review's adjudication of Mr. Beaulieu's claim for unemployment benefits; we shall address the procedural argument first.

The Employer, P.D. Humphrey, strenuously asserts that it was deprived of its due process right to participate in the hearing before the Referee because it was not given notice of that proceeding; as a result, it was unable to give the Referee its version of events. The Board responds that, while it may not be contained in the administrative record, such a notice was indeed sent; and the Board provides, in the appendix to its memorandum, a copy of that document. And so, we have a clear factual contradiction in the positions of the two parties. But this factual dispute is one which the Board of Review was not *asked* to resolve, and this Court is *unable* to resolve, for, when adjudicating administrative appeals pursuant to the Administrative Procedures Act, this Court's review

[5] At this juncture in its Memorandum, the Board discussed the Director's finding that it had not received the Notice of Claim and, therefore, should not have been disqualified from opposing Mr. Beaulieu's claim for benefits, pursuant to § 28-44-38(c). *Id*. at 9. Since an Order has entered previously in this case — on August 4, 2025 — granting P.D. Humphrey standing to oppose the instant claim, this issue is moot.

is confined to an examination of the administrative record. *See* G.L. 1956 § 42-35-15(f). Consequently, any further fact-finding regarding the facts of Mr. Beaulieu's separation or the proceedings before the Board (and its Referee) would necessitate a remand to the Board of Review for that purpose. *See* G.L. 1956 § 42-35-15(e). However, we need not seek additional fact-finding by the Board on this issue because, in my estimation, this issue was not preserved for appeal.

Even if we assume arguendo that the Employer did not receive *advance* notice of the hearing before the Referee, the Employer has not asserted that it did not receive a copy of the Decision of the Referee when it was issued on December 13, 2024.[6] And when it did (*i.e.,* receive the decision), it could have requested that a new hearing be conducted by the Referee so that it could show that it should not have been stripped of its standing to oppose benefits under § 28-44-38(c); and, if successful, it could have then presented evidence in opposition to Mr. Beaulieu's claim on *the merits*. Or it could have requested that the full Board of Review conduct a further hearing — but it did not do so.[7] In fact, Appellant had multiple opportunities to request that the Board conduct a full rehearing with witnesses in the period from December 13, 2024 (when the Decision of the Referee was issued) to February 13, 2025 (when the Board's decision on the merits was issued). Let us examine what transpired during this time period.

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[6] P.D. Humphrey was listed under those entities receiving a "cc:" of the Decision. *Dec. of Referee,* at 3; *ER* at 28.

[7] To comprehend the gravity of this omission, one must bear in mind that, pursuant to G.L. 1956 § 28-44-47, the Board hears appeals from decisions of its referees anew — either by reviewing the record presented to it or by conducting a new hearing. It must make findings of fact and conclusions of law, although it is free to adopt those made by its Referees as its own. But its review is not limited, like that of many appellate courts, to a determination of whether the Referee's decision is clearly erroneous or an abuse of discretion.

On January 7, 2025, the Board issued what it titled an "Important Notice" that it had received an appeal from the Decision of the Referee.[8] This Notice explained that the Board could decide the case based on the evidence previously submitted or *based upon new and additional evidence*. *ER* at 22-23.[9] Upon receipt of this Notice the Appellant/Employer did not request that new evidence be taken; and P.D. Humphrey has not asserted that it did not receive a copy of the Notice.

Then, on January 23, 2025, the Board of Review issued a decision finding that Claimant's late appeal would be allowed based on a finding that it was based upon good cause. *See Dec. of Bd. of Review,* at 1; *ER* at 20-21. The Decision indicated that the Board would next address the merits of Mr. Beaulieu's claim. *Id.* [10] P.D. Humphrey has not alleged that it failed to receive notice of this decision. And, once again, the Employer made no attempt to intervene in the matter, by seeking to set aside its loss of standing, so that it could oppose Mr. Beaulieu's claim.

Next, on February 4, 2025, the Board issued a second "Important Notice" in this case, which stated that it had received an appeal from the Decision of the Referee. This Notice, like its predecessor, explained that the Board could decide the case based on the evidence previously submitted or *based upon new and additional evidence*. *ER* at 5-6.[11] Upon receipt of this Notice the Appellant/Employer did not request that new evidence be taken; and P.D. Humphrey has not asserted that it did not receive a copy of the Notice.

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[8] The appeal in question was late.

[9] P.D. Humphrey was listed under those entities receiving a "cc:" of the Notice. *Important Notice,* at 2; *ER* at 23.

[10] Once again P.D. Humphrey was listed under those entities receiving a "cc:" of the Notice. *Dec. of Bd. of Review (1-23-25),* at 1; *ER* at 20.

[11] P.D. Humphrey was listed under those entities receiving a "cc:" of the Notice. *See Important Notice,* at 1; *ER* at 5.

Finally, on February 13, 2025, the Board issued its Decision on the merits regarding Mr. Beaulieu's claim. Clearly, P.D. Humphrey received a copy of the Decision, because it filed the instant appeal. And though it had known for two months, from one communique after another, that Claimant Beaulieu was challenging his denial of benefits by the Department and the Referee, P.D. Humphrey never intervened in the administrative process in order to contest its lack of standing.

As a consequence, it seems that P.D. Humphrey's failure to intervene in the administrative process constituted a waiver of its right to contest the decision stripping it of standing to contest Mr. Beaulieu's claim by invocation of the "raise or waive" rule.[12] It could (and should) have requested the Board to order that a new hearing be held at which time it could have presented its testimony and evidence; but it did not. Accordingly, it seems inappropriate for it to seek this remedy at this late date. And so, having declined to address the Employer's *procedural* argument, we must now evaluate P.D. Humphrey's *substantive* argument on the basis of the record certified to this Court.

P.D. Humphrey argues that there was insufficient evidence of record from which the Board could make a finding that Mr. Beaulieu left P.D. Humphrey for reasons of good cause. *Employer's Mem. of Law,* at 17-20. It urges that the Board's conclusion was implausible and an abuse of discretion. *Id.* at 17. In response, the Board asserts that its

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[12] Our Supreme Court has not definitively declared that the raise-or-waive rule should be applied in administrative appeals, *East Bay Comty. Dev. Corp. v. Zoning Bd. of Review of the Tn. of Barrington*, 901 A.2d 1136, 1153 (R.I. 2006). But there is dictum to that effect. *See Randall v. Norberg,* 121 R.I. 714, 721, 403 A.2d 240, 244 (1979) (citing § 42-35-15(g)(1)).

In any event, the rule has been applied to preclude consideration of issues not raised at the administrative level by the Superior Court. *See Neuschatz v. Reitsma,* 2004 WL 1351325, at *5-*7 (Super.Ct. 5/24/2004) (Court applied the raise-or-waive rule to the issues appellant failed to raise before the DEM's hearing officer); *Mild, Inc. v. Reitsma,* 2004 WL 2821638, at *5 (Super.Ct. 5/24/2004) (Superior Court applied the raise-or-waive rule to Appellant's failure to object to DEM's Motion for Default Judgment before the hearing officer). And this Court has followed suit. *See Martin v. Dep't of Labor and Training, Bd. of Review,* A.A. No. 2024-014, slip op. at 17 (Dist.Ct. 9/24/2024); *Craig v. Dep't of Labor and Training, Bd. of Review,* A.A. No. 2023-056, slip op. at 19-20 (Dist.Ct. 9/9/2024).

Decision — that the Claimant's reasons for leaving involved a substantial degree of compulsion and his position had become unsuitable — was supported by the undisputed evidence of record. *Mem. of the Bd. of Review,* at 4. We shall now evaluate these arguments.

Let us begin this process by quoting, in full, the Conclusion section of the Decision of the Board of Review:

> Claimant's undisputed testimony establishes that Claimant was harassed by his manager. Claimant brought his concerns to the Employer in an attempt to resolve the issues. The Employer acknowledged that he had similar reports but dismissed Claimant's concerns.
>
> Accordingly, Claimant met his burden to show that the repeated harassment by his manager rendered his position unsuitable and that he took reasonable steps to preserve his employment prior to placing himself in a state of unemployment. The Board concludes that Claimant met his burden to show that he voluntarily quit with good cause as defined in Section 28-44-17 of the Act.

Dec. of Bd. of Review, at 2; *ER* at 3. And so, we must ask — Is the Board's Conclusion supported by competent evidence of record? I recommend that this Court find that it is.

So that we will be able to evaluate the legal sufficiency of this allegation, let us repeat here the essence of Claimant's claim of harassment:

> So, there was another manager who would talk to me in front of employees whether it would be calling me retarded or handicapped in front of customers, which that would follow with other employees doing the same, and then, um, most recent to my leaving was he brought a customer over who had a shirt with a stick finger holding a brain asking did you lose this? Then, he was just saying that I had no brain to this customer.

Ref. Hr'g Tr. at 6-7. Thus, Mr. Beaulieu asserts that he was repeatedly insulted by the other manager as being unintelligent to the point of being retarded; and this was not just stated privately, or among employees, but in front of members of the public. The Board of Review found these facts sufficient to support a finding of good cause under § 28-44-17.

Factually, there is no question that Mr. Beaulieu reported his issues to management and no salutary action was taken by the Employer. And, on the record before the Board, it is uncontradicted that Claimant was repeatedly subjected to verbal abuse. Accordingly, the only question remaining is whether the allegations made by Claimant Beaulieu, if assumed to be true, are such as could form the basis for a finding of good cause. And, given the precedents from this Court and from our sister state dealing with harassment by verbal abuse, it seems clear that instances of continuing verbal abuse can be the basis for a good cause finding. *See* cases cited, *supra* at 13-16.

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; as long as the findings of the Board are supported by competent evidence of record, we must affirm those findings. Since I believe the findings rendered by the Court in this case are indeed supported by competent evidence, and because I believe the Board's holding is consistent with recognized legal principles, I must recommend that the decision issued by the Board of Review in the instant case 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 Mr. Beaulieu's separation from P.D. Humphrey was *not* for reasons constituting 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 granting Mr. Beaulieu's claim for benefits be AFFIRMED.

/s/
Joseph P. Ippolito
MAGISTRATE

MAY 28, 2026