

DISTRICT COURT
SIXTH DIVISION

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/s/
Jaime Hainsworth
Clerk

STATE OF RHODE ISLAND
PROVIDENCE, Sc.

DISTRICT COURT
SIXTH DIVISION

Adam Oliver	:	
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	:	6AA-2026-00035
	:	
Department of Labor and Training,	:	
Board of Review	:	

FINDINGS & RECOMMENDATIONS

Ippolito, M. In this case the District Court, exercising the jurisdiction granted to it by G.L. 1956 § 28-44-52, must decide whether the Board of Review of the Department of Labor and Training (the Board) erred when it held that Mr. Adam Oliver (Claimant or Appellant) would be disqualified from receiving unemployment insurance benefits because he quit his 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 Adam Oliver worked for the Pawtucket School Department as its Controller for over one year as a Registrar until October 23, 2025, when he resigned. See DLT FORM 480 (Employment Data) (which may be found in the 111-

page Electronic Record (*ER*) attached to this case, at 70). Then, on October 31, 2025, he filed a claim for unemployment benefits, which was made effective on October 25, 2025. *See* DLT FORM 480 (Claim Data) (*ER* at 704). As a result, Claimant was interviewed by an adjudicator employed by the Department of Labor and Training (the Department) on December 3, 2025, regarding the reasons for his separation from the School Department. *See* DLT FORM 480 (Claimant Statement) (*ER* at 70-71).

Claimant Olivere told the adjudicator that he quit because he expected to be fired. *Id.* He stated:

... I am requesting benefits effective 10/26/25. My last day of work was 10/23/25. I was not discharged, I quit because the writing was on the wall that I was going to be fired. I told the superintendent, Randy Buck, that I was going to leave. They had a new School Board elected in January. The New School Board was going through the administrative rolls and slowing firing everyone who was working in the administrative offices. They fired the Superintendent, the CFO, and the Assistant Superintendent. All that was left from before the School Board was elected was me and the Grants Manager. The CFO was fired on the Friday, 10/24/25. I felt like we were being sabotaged. I could not do the job. We were working 7 days a week 12 hours a day and it was not enough. We got the budget balanced, and they still were firing us. I was entitled to 5 weeks of vacation, and I was told that I could not take any vacation time and would not pay me for the time. I was trying to get different agencies to come in and give presentations on how to save money and the School Board would shoot it all down. They then hired a different consulting accounting firm hundreds of thousands of dollars to give them all of the same information that we were giving them. We have a competent team of 5 and then they just got rid of 3 of us and did not replace them with anyone who could help us. I felt I was the next person who was going to be fired. I was going into work the next week and I was having heart palpitations and chest pain. I was not advised by my doctor to leave the job. He gave me 3 days out of work. I did not ask for a leave of absence. We were busting our butts for them and were just getting rid of us because the CFO and I were very much aligned in what were felt should happened. I

knew the Chair of the School Committee would want me gone next.

I did go to the Superintendent in July and try to talk about all of this stuff. We also had a budget system that was very complicated. They just fired the accountant to handled (sic) the system without any agenda to replace him. The School Committee was making it more and more difficult for us to do out (sic) job, and then firing us for not being able to do our job. I went to them in July to try to talk to them about what we needed and all of the things that we needed to do out (sic) jobs well, but the Chair made it well known that he wanted everyone in the business office fired. The Chair of the School Committee had an agenda to fire everyone in the business office, and he was doing it one by one. When the CFO was fired, I knew that I was next so I told them that I was just going to leave. I knew that I was going to be fired, and they were going to not give me the tools to do my job. They were firing everyone and our unit of 5 was down to me and one other person. We can't do the job of 5 people. It was a ridiculous ask. I asked in July that the School Committee vote to replace the Chair and fire him because he was not fit for the job and causing all of these issues. They did not do what I had asked, and had only made it worse.

See DLT FORM 480 (Claimant Statement) (*ER* at 70-71). From this narrative composed by the adjudicator we see that Mr. Olivere left the employ of the Pawtucket School Department because he felt he was about to be fired; moreover, he felt that his working environment was deteriorating. *Id.* Claimant added that he was able and available for work. *Id.*

The adjudicator also attempted to speak with an HR representative of the Employer — but failed to receive a call back. (*ER* at 71).

Then, on December 23, 2025, the adjudicator, acting as a designee of the Director of the Department of Labor and Training, issued a Decision regarding Mr. Olivere's claim. *See Dec. of Director*, No. 2535310-00, at 1; *ER* at 81. The adjudicator found that Claimant quit his position "because [he] felt he might be fired." *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 his job was unsuitable. *Id.*

Mr. Olivere filed an appeal. *See Request for a Hearing Before Board of Review; ER* at 83. Consequently, a telephonic hearing was scheduled before a hearing officer employed by the Board, a "referee," on February 4, 2026. Claimant appeared without counsel; the Employer was represented by its Human Resources Director, Ms. Carla Gallo, and its Assistant Superintendent, Ms. Lee Rabbitt. *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 Mr. Olivere to reveal the last day he physically worked for the School Department. *Id.* at 13. He stated that his last work day was October 20, 2025 and his date of separation was October 23, 2025. *Id.* at 13-14. He added that for thirteen months he was the Department's full-time Controller. *Id.* at 14.

The Referee then inquired as to the reason for his separation. *Id.* at 15. Mr. Olivere responded that "[i]t was a culmination of events with the prior thirteen months." *Id.* He explained that the Pawtucket School Department was a \$170,000,000.00 operation with over 1100 employees and 700 teachers. *Id.* He further stated that the business office was "severely understaffed" — that *two* accountants were attempting to do the work of *four*. *Id.* at 15-16. And so, he sent a letter to the School Committee indicating that they needed more staff. *Id.* at 17.

Claimant mentioned that the new Chair of the School Committee had stated that the CFO should be fired. *Id.* Mr. Olivere added that persons in leadership

¹ The 41-page hearing transcript may be found in the electronic record of the case, beginning on page 14.

positions in the Department, including the Superintendent and the Assistant Superintendent, had been fired or had found employment elsewhere. *Id.* at 17-18. Claimant also enumerated the many tasks and projects which the business office was facing. *Ref. Hr’g Tr.* at 19. And he described in some depth one task that remained undone while he was there — which was making a decision about whether 45 persons on a grant which was expiring would be picked up into the Department’s regular operating budget. *Id.* at 19-20. According to Mr. Olivere, this issue was never completely resolved. *Id.* at 21.

Claimant also indicated that the School Committee retained an outside consulting firm, at a cost of \$118,000.00, to do work that the business office could have done — and added that the business office had to prepare the information for the firm. *Id.* at 22. In sum, Mr. Olivere saw “another agenda” going on. *Id.* at 23. Moreover, he felt that the business office was undergoing “sabotage.” *Id.* at 24. He discerned this from the fact from the school committee’s refusal to permit a gentleman to assist them in the budgeting process even though he had written multiple software programs that made the task of preparing the budget much easier. *Id.* at 24-25.

On Friday, October 17, 2025, the CFO was terminated. *Id.* at 26. Mr. Olivere expressed his view that the CFO was “very competent” and a “good financial person.” *Id.* at 28. Nevertheless, he had been written up twice and then was fired. *Id.* Mr. Olivere took the news ominously since he had already been written up once. *Id.* In his own words, he felt that “[t]he handwriting was on the wall, I was going to be terminated.” *Id.* at 28. Mr. Olivere went in on Sunday to do the reconciliation but was denied access to the building for the first time in his career. *Id.* at 27. He testified that he had gone in to work on Saturdays and Sundays on many occasions. *Id.*

On the following Tuesday, Claimant went to see a physician, who wanted to admit him due to his bloodwork results, but Mr. Olivere declined. *Id.* at 28. He went to see his primary care physician on Thursday; an EKG was taken and the results were “similar.” *Id.* at 28-29. Claimant then described his reaction:

But under those circumstances I had been working in at this point in time I considered with the sabotage and the roadblocks being thrown in the way of the business office, the CFO being terminated and we're going to be me the one accountant and before I'm going to be replacing four people. No untenable.

Ref. Hr'g Tr. at 29. And, when asked by the Referee, Claimant stated that he was given a note by his physician taking him out of work “for like seven days.” *Id.* at 30. However, he did not request a leave of absence from his employer. *Id.*

Mr. Olivere conceded that he was never told he was going to be fired.

Id.

I could see the writing on the wall the way they had treated Dale, the CFO. The way they had sabotaged me in the business office, you know, not giving our faxes Jason, not reviewing the budget payroll like they should have. Not allowing us to have the RIDE present financial data. Having A&M, the consulting firm, when they could have got that information for free. These are all in — it was obvious to see. The School Committee Chair it's (sic) own personal agenda. ...

Id. at 30-31. The Referee then began to pose questions to Ms. Gallo. *Id.* at 33.

She confirmed that Mr. Olivere's last day of work was October 23, 2025.

Id. And she agreed that he was their full-time controller for about 13 months. *Id.* at 34. She then informed the Referee that Mr. Olivere submitted a letter of resignation, in which he said that his position was “untenable.” *Id.* And, she disagreed with one comment in the letter — that is, that Mr. Olivere and the CFO were the only

accountants; she stated that another accountant, hired before Claimant, was still with the Department. *Id.* She said that the CFO was the only departure. *Id.* at 35.

Regarding Mr. Olivere's statement that he was denied access to his office on the Saturday after the CFO was terminated, she commented that it was a "non-business" day, and he should not have had access. *Id.* at 35. Regarding the reprimand that Claimant received, Ms. Gallo stated that it was issued because he was insubordinate and did not follow the chain of command. *Ref. Hr'g Tr.* at 36. The witness said that there were no "barriers" preventing him from successfully performing his duties. *Id.* Moreover, when he left, there was continuing work still available to him. *Id.* Finally, she said that Claimant was not going to be discharged. *Id.*

Next, Mr. Olivere was given the opportunity to question Ms. Gallo. *Id.* at 37. He inquired whether she was aware that he had access to the building on Saturday and Sunday — and had used it often — during the year prior to his departure. *Id.* Ms. Gallo said she did not know whether the CFO had given him weekend access, but it is customary only to grant Monday through Friday access. *Id.* at 38. And she denied that there had been five accountants there in the year before. *Id.* at 38-39.

At this, the Referee concluded the hearing. *Id.* at 40-41.

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

The claimant worked, full-time, for the Pawtucket School Department, as a controller. His last day of work was October 23, 2025. He then voluntarily resigned as of this same day. The claimant stated that he resigned because he felt he would be discharged. On October 17, 2025, his boss was let go. He came into the office over the weekend to work and he was not able to access the building. Since

working for the school department, he always had access to the building over the weekend. He was feeling ill, so he saw his doctor on October 20, 2025, his doctor wanted to take him out of work, but he declined. He resigned on October 23, 2025, because he felt the writing was on the wall and he would be next. The claimant indicated the staff in his department had been reduced since he began working. In June of 2025, the Superintendent stopped allowing the former systems person, to help the business office. He sent a letter in hopes of getting help, but he was reprimanded for not following the proper chain of command. The school department brought in a consulting firm; he felt that they were brought in to discredit the business office. The employer stated that the claimant was not being discharged and that the accountant who had been there prior to the claimant being hired is still currently working. They also stated that his access to the building was not restricted. They were unaware that he was accessing the building on the weekends as staff should only be in the office Monday through Friday. Additionally, they argued that the staff had not been reduced to extent that he stated.

Dec. of Referee, at 1; *ER* at 66. Then, after quoting extensively from § 28-44-17, she presented the following conclusions of fact and law on the good-cause issue:

An individual who leaves work voluntarily must establish good cause for taking that action or else be subject to disqualification under the provisions of Section 28-44-17.

In order to show good cause for leaving his job, the claimant must show the work had become unsuitable or that he was faced with a situation which left him with no reasonable alternative but to terminate his employment. The burden of proof rests solely with the claimant.

Insufficient testimony and evidence have been provided to support that either of these situations existed at the time the claimant made the decision to leave his job.

The claimant voluntarily resigned from the position because he felt he would be discharged. There is no evidence that the claimant job was in jeopardy. The claimant's leaving is considered to be without good cause under the above Section of the Act. Therefore, he must be denied benefits in this matter.

Dec. of Referee, at 3; *ER* at 68. In sum, the Referee found that Mr. Olivere quit without good cause because there was insufficient evidence that his position had become

unsuitable or that he had no reasonable alternative to resigning; and, there was insufficient evidence that his position was in jeopardy. *Id.* As a result, Claimant was declared ineligible to receive unemployment benefits pursuant to § 28-44-17. *Dec. of Referee*, at 3; *ER* at 68. And so, the decision of the Director was affirmed. *Id.* at 3; *ER* at 68.

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 March 26, 2026, 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. Dep’t of Soc. 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. Bd. of Review of the Dep’t of Employment Sec.*, 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 Dep’t of Health*, 253 A.3d 879, 884-85 (R.I. 2021) (quoting *Endoscopy Assoc’s, 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. Board of Review, Dep’t of Emp’t Sec.*, 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, supra* at 10, 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. Also, the Board held that Mr. Harraka’s reasons for leaving were personal and not of a “compelling nature;” thus, 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* at 10. 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. In the instant case, the issue to be resolved is whether the Board’s finding — that Claimant Olivere failed to demonstrate that he quit for good cause — is supported by competent evidence of record.

And logically, to begin this inquiry, we must determine the reasons for quitting that Mr. Olivere has given to the Department’s adjudicator and to the Board of Review’s referee. My reading of the record reveals two: *first*, that he believed he was about to be terminated; and *second*, that he was not given the proper tools to execute his duties as Controller. Let us now examine each in turn.

Ms. Gallo denied that Claimant was facing imminent discharge (or non-imminent discharge) by the School Department. This testimony alone constitutes competent evidence on this point. Moreover, Mr. Olivere never quoted any person in authority as stating that he was in danger of termination. He merely testified that, in

his opinion, the handwriting was on the wall. Neither was the fact that he had received a reprimand sufficient *per se* to indicate he would be terminated. As a result, the Referee (and the Board) were not required to make its ruling based on inferences that he had drawn.

Mr. Olivere also spoke extensively about what he deemed to be the deep-seated issues surrounding the financial operation of the School Department. He said they were understaffed, and that, as a result, they were working weekends. But Ms. Gallo contradicted him, indicating that there was another accountant on staff. And she made it clear that the Department did not expect the members of the financial office to be working weekends.

Turning to the applicable law, this Court has held that criticism by a superior does not constitute good cause to quit. *See Ward v. Dep't of Employment and Training, Bd. 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. Dep't of Employment and Training, Bd. 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 this result would have been required even in the case of a formal reprimand, and not merely a performance corrective. *See 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 find a replacement.

And so, the Board's decision finding that Mr. Olivere's position had not become 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 Mr. Olivere 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 Mr. Olivere's claim for benefits be AFFIRMED.

/s/
Joseph P. Ippolito
MAGISTRATE

September 29, 2026

