**4.23 Miscellaneous Issues – Constructive Discharge**

In this case, [name of plaintiff] claims that [he/she] lost wages and benefits because [name of defendant] “constructively discharged” [name of plaintiff] from [his/her] job. Put another way, [name of plaintiff] claims that [he/she] left [his/her] job because the hostile work environment made [his/her] working conditions intolerable.

[Name of defendant] denies that [he/she/it] constructively discharged [name of plaintiff] and claims that [name of plaintiff] voluntarily quit.

To prove constructive discharge, [name of plaintiff] must prove that the hostile work environment made [his/her] working conditions so intolerable that a reasonable person in [his/her] position would have felt compelled to resign.

If you find that [name of defendant] constructively discharged [name of plaintiff], you may award [name of plaintiff] lost wages and benefits caused by the constructive discharge. If you find that [name of plaintiff] was not constructively discharged, you may not award [name of plaintiff] lost wages and benefits due to the loss of employment.