

**ALASKA DEPARTMENT OF LABOR
AND WORKFORCE DEVELOPMENT
OFFICE OF THE COMMISSIONER
PO BOX 111149
JUNEAU, ALASKA 99811-1149**

**DECISION OF THE COMMISSIONER OF LABOR
Docket No. 26 0152 & 26 0153**

IN THE MATTER OF:

CLAIMANT:

LESTER MARSHALL

EMPLOYER:

CENTURY THEATRES

The claimant appealed to the Department from a Tribunal decision mailed on April 1, 2026. The Tribunal affirmed a division determination that found the claimant did not have good cause for quitting work under AS 23.20.379.

The claimant submitted a lengthy email requesting further review by the Department. He accused the Appeals Officer of failing to consider testimony regarding his medical condition, misinterpreting his statements, focusing excessively on secondary issues, and conducting the hearing in a manner he characterized as unkind, dismissive, and interrogatory. He further alleged an inappropriate tone, including perceived “snickering,” and asserted the written decision contained inaccuracies.

Although the claimant indicated his appeal was for docket number 26-0152, he also referenced a second hearing that took place on the same day. Therefore, we reviewed both dockets numbered 26-0152 and 26-0153.

The audio recordings reflect a structured linear examination of the issues relevant to each appeal. They do not contain any laughter, snickering, or comments that were mocking or disrespectful. The appeals officer asked questions relevant to the issues under review, and his attempts to clarify the claimant’s testimony were both necessary and appropriate.

We find the Appeals Officer conducted the hearing in a manner consistent with required procedural standards. We found no evidence in the recordings that support the claimant’s allegations.

Appeals Officers are required to examine all potential causes for a separation from work, including those raised by the claimant during the hearing. The claimant gave multiple reasons for quitting work, which the appeals officer attempted to clarify multiple times. The claimant discussed rude or inappropriate conduct by his supervisor, a cash handling incident, and issues related to the popcorn machine. All of which were noted in the decision findings.

The claimant also testified about a medical disability diagnosed in 1996. He stated that due to his disability it takes him longer to get up and he has difficulty concentrating, which presumably affected his ability to learn new tasks.

However, the claimant went on to testify that he can work, and on March 6, 2026, he posted his resume online with AlaskaJobs. The claimant's disability is not new, and he has worked since being diagnosed.

Under AS 23.20.435, an appeal to the Department by a party is a matter of right only if the decision of the Tribunal reverses or modifies the Division's initial determination, or if a question arising under AS 23.20.383 is presented.

In all other cases, further appeal to the Department is permitted only at the discretion of the Department. The Department will accept an appeal from a Tribunal decision affirming the Division's initial determination if the Tribunal decision is clearly erroneous or the appeal presents an issue requiring the Department's opinion.

In this case, the Tribunal decision did not reverse or modify the first determination, it is not clearly erroneous, and it presents no new policy question. The claimant's request for further review by the Department is **DENIED**.

The claimant's benefits remain denied for the weeks ending February 21, 2026, through March 28, 2026, under 23.20.379 for quitting work.

The claimant's benefits remain denied for the weeks ending February 21, 2026, and February 28, 2026, under AS 23.20.378 because his resume was not properly posted on AlaskaJobs until March 6, 2026.

FURTHER APPEAL may be had from this decision by filing a Notice of Appeal in Superior Court for the State of Alaska within 30 days from the date of mailing of this decision as provided in AS 23.20.445, AS 44.62.560-570 and the Rules of Appellate Procedure of the State of Alaska. Unless an appeal is filed within the said 30-day period, this decision is final.

Dated and Mailed on June 5, 2026

**CATHERINE MUÑOZ
COMMISSIONER**