



APPEAL TRIBUNAL DECISION

Docket number: 25 0495 **Hearing date:** July 29, 2025

CLAIMANT:

ALEJANDRO ARREGUIN CASTILLO
[REDACTED]

EMPLOYER:

MOSESIAN FARMS OF AK INC
[REDACTED]

CLAIMANT APPEARANCES:

Alejandro Arreguin Castillo

EMPLOYER APPEARANCES:

Stefan Schirda

CASE HISTORY

The claimant timely appealed a determination issued on June 20, 2025 that denied benefits under Alaska Statute 23.20.379. The issue before the Appeal Tribunal is whether the claimant had good cause to voluntarily quit suitable work.

FINDINGS OF FACT

The claimant began working for the employer on March 8, 2025. He last worked on March 15, 2025. At that time, he worked full-time as a temporary farm laborer.

The claimant's friend told the claimant to come work temporarily for the employer for a month or two. The claimant's friend told him the employer would pay him \$20 per hour. The claimant's friend was not a supervisor or a manager. After his first week of work, the claimant realized he was being paid \$16 per hour. The claimant decided it was not worth it to work for that wage because he had to pay \$300 per week for childcare. The claimant decided to stay home with his children until a better paying job came along. The claimant told his friend he would not return to work. He did not talk to a supervisor or manager because his friend told him it was not necessary and language barriers made communication difficult. The employer's representative in the hearing held that all laborers are started at \$16 per hour and the claimant's friend did not have authority to promise the claimant a wage.

The claimant's separation from employment came to the Division's attention when they received information requested from the employer in a wage audit. The employer reported to the Division that the claimant had voluntarily quit work.

PROVISIONS OF LAW

AS 23.20.379 provides in part:

- (a) An insured worker is disqualified for waiting-week credit or benefits for the first week in which the insured worker is unemployed and for the next five weeks of unemployment following that week if the insured worker...
 - (1) left the insured worker's last suitable work voluntarily without good cause....

8 AAC 85.095 provides in part:

- (c) To determine the existence of good cause under AS 23.20.379(a)(1) for voluntarily leaving work determined to be suitable under AS 23.20.385, the department will consider only the following factors:
 - (1) leaving work due to a disability or illness of the claimant that makes it impossible for the claimant to perform the duties required by the work, if the claimant has no other reasonable alternative but to leave work;
 - (2) leaving work to care for an immediate family member who has a disability or illness;
 - (3) leaving work due to safety or other working conditions or an employment agreement related directly to the work, if the claimant has no other reasonable alternative but to leave work;
 - (4) leaving work to accompany or join a spouse at a change of location, if commuting from the new location to the claimant's work is impractical; for purposes of this paragraph, the change of location must be as a result of the spouse's
 - (A) discharge from military service; or
 - (B) employment;
 - (5) leaving unskilled work to attend a vocational training or retraining course approved by the director under AS 23.20.382, only if the claimant enters the course immediately upon separating from work;
 - (6) leaving work in order to protect the claimant or the claimant's immediate family members from harassment or violence;
 - (7) leaving work to accept a bonafide offer of work that offers better wages, benefits, hours, or other working conditions; if the new work does not materialize, the reasons for the work

- (8) not materializing must not be due to the fault of the worker;
other factors listed in AS 23.20.385(b).

AS 23.20.385(b) provides, in part:

- (b) In determining whether work is suitable for a claimant and in determining the existence of good cause for leaving or refusing work, the department shall, in addition to determining the existence of any of the conditions specified in (a) of this section, consider the degree of risk to the claimant's health, safety, and morals, the claimant's physical fitness for the work, the claimant's prior training, experience, and earnings, the length of the claimant's unemployment, the prospects for obtaining work at the claimant's highest skill, the distance of the available work from the claimant's residence, the prospects for obtaining local work, and other factors that influence a reasonably prudent person in the claimant's circumstances.

CONCLUSION

Alaska Statute 23.20.379 requires the Division to examine the reason an unemployment insurance benefit claimant has become unemployed and determine if penalties spelled out in the statute should be applied. The claimant in this case voluntarily quit suitable work to stay home with his children because he considered the wage too low after deducting childcare costs.

Regulation 8 AAC 85.095(c) provides seven reasons that the Department will consider when determining good cause for voluntarily leaving work. The claimant in this matter did not leave work for one of the allowable reasons. The regulation also directs the Department to consider the suitability of the work as laid out in AS 23.20.385(b). The claimant did not establish that the work was a risk to his health, safety or morals, or that he was not physically fit for the work. This leaves the Tribunal to consider other factors that would influence a reasonably prudent person in the claimant's circumstances.

In Missall, Com. Dec. 8924740, April 17, 1990, the Commissioner of Labor summarized Department policy regarding what constitutes good cause for voluntarily leaving work. The Commissioner held, in part:

The basic definition of good cause is 'circumstances so compelling in nature as to leave the individual no reasonable alternative.' (Cite omitted.) A compelling circumstance is one 'such that the reasonable and prudent person would be justified in quitting his job under similar circumstances.' (Cite omitted). Therefore, the definition of good cause contains two

elements; the reason for the quit must be compelling, and the worker must exhaust all reasonable alternatives before quitting.

In Kimmerly, Com. Dec. 9224409, April 30, 1992, the Commissioner held:

A worker who voluntarily leaves work goes from a situation in which the worker has at least some income to a situation in which the worker has no income. The burden is therefore upon the worker to show that leaving work was the more beneficial course for the worker to pursue.

The claimant did not have good cause to leave work because the wage was lower than he thought. The employer established that the claimant was not made a bona fide offer of \$20 per hour. It was not reasonable of the claimant to rely on the friend and not get assistance to communicate directly with the employer about his wage.

The claimant's weekly wage was more than sufficient to cover the cost of childcare. He did not establish that he was better off not working. Considering the claimant's circumstances and the decisions of the Commissioner cited above, the Tribunal cannot find that the claimant had good cause to voluntarily quit suitable work at the time he did. The penalties of AS 23.20.379 are appropriate in this case.

DECISION

The determination issued on June 20, 2025 is **AFFIRMED**. Benefits remain **DENIED** for the weeks ending March 15, 2025 through April 19, 2025. The three weeks remain reduced from the claimant's maximum benefits. The claimant may not be eligible for extended benefits under AS 23.20.406-409.

APPEAL RIGHTS

This decision is final unless an appeal is filed in writing to the Commissioner of Labor and Workforce Development **within 30 days** after the decision is mailed to each party. The appeal period may be extended only if the appeal is delayed for circumstances beyond the party's control. A statement of rights and procedures is enclosed.

Dated and mailed July 31, 2025.



Rhonda Bunes, Appeals Officer