



## APPEAL TRIBUNAL DECISION

**Docket number:** 25 0561    **Hearing date:** August 20, 2025

### CLAIMANT:

BRITNY SHAW GRAVES  
[REDACTED]

### EMPLOYER:

EMERALD VIEW LLC  
[REDACTED]

### CLAIMANT APPEARANCES:

Britny Shaw Graves

### EMPLOYER APPEARANCES:

Julie Drayton  
Tammy Corson

## CASE HISTORY

The claimant timely appealed a determination issued on July 29, 2025 that denied benefits under Alaska Statute 23.20.379. The issue before the Appeal Tribunal is whether the claimant was discharged for misconduct connected with the work.

## FINDINGS OF FACT

The claimant began work for the employer on January 13, 2025. The claimant last worked on June 20, 2025. At that time, she worked full-time as a dispatcher.

On June 23, 2025, the claimant sent a text message stating she could not come in to work, but stated she would cover from home. The supervisor responded asking the claimant what was going on. The claimant did not respond. The claimant's duties as dispatcher required her to answer a cell phone to direct employees transporting clients and to answer questions from clients and families, and to respond to employees in a group chat set up by the employer on the computer. The claimant held that she stayed at her grandmother's that day to care for her grandmother who could not be left alone.

The claimant's supervisor noted that the claimant did not respond to messages in the employer's group chat and was not answering the dispatch phone. The supervisor sent the claimant a text message around 11:00 am, asking if the supervisor was supposed to be covering the dispatch duties. The supervisor sent another message directing the claimant to do a task. The supervisor sent a text message at 1:31 pm, asking the claimant to add a client to a schedule. The

supervisor then sent a message asking the claimant to have a phone call with her after 5:30. The claimant did not respond to any of the supervisor's messages throughout the day.

The claimant sent a text message on June 24, 2025, advising her supervisor that she would not be in that day. The supervisor told the claimant she needed the employer's dispatch phone and laptop from the claimant. The supervisor told the claimant the operations director was not permitting the claimant to work from home because she had only checked the dispatch phone twice the previous day. The supervisor asked if the claimant would drop off the equipment or if the supervisor should pick it up from the claimant's home. The claimant did not respond. The supervisor drove to the claimant's home and sent her multiple text messages letting the claimant know she was outside, but the claimant did not respond. The operations manager then sent the claimant text messages directing her to return the phone and computer because they were needed to perform the dispatch duties. The claimant did not respond. That evening, the claimant dropped off the phone and computer and her key fob at the employer's office. The claimant could not access the office, so she left the equipment in an adjoining area.

The claimant was scheduled to work on June 25, 2025 but she did not come in and she did not contact the employer. In the afternoon, the operations manager sent a text message to the claimant, advising her that the employer considered the claimant had quit because she had not communicated with the employer. The claimant replied that she did not intend to quit and she would return to work the next morning at 7:30 am. The operations manager advised the claimant that before she could return to work, she would need to meet with the operations manager at 9:00 am the next day at the employer's main office. The claimant acknowledged the message with a "thumbs up" symbol.

The claimant did not attend the meeting. The claimant held in the hearing that she believed she had already been discharged because the employer had required her to return the phone and computer and she had no access to the employer's office. The employer considered that the claimant's communication and attendance had been getting worse recently and considered the claimant's lack of communication over the past three days, including her no-call, no-show on June 25, 2025 and failure to attend the meeting on June 26, 2025. On June 26, 2025, the employer sent the claimant a letter advising her she was discharged.

## **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...

- (2) was discharged for misconduct connected with the insured worker's last work.

**8 AAC 85.095 provides in part:**

- (d) "Misconduct connected with the insured worker's work" as used in AS 23.20.379(a)(2) means
  - (1) a claimant's conduct on the job, if the conduct shows a willful and wanton disregard of the employer's interest, as a claimant might show, for example, through gross or repeated negligence, willful violation of reasonable work rules, or deliberate violation or disregard of standards of behavior that the employer has the right to expect of an employee; willful and wanton disregard of the employer's interest does not arise solely from inefficiency, unsatisfactory performance as the result of inability or incapacity, inadvertence, ordinary negligence in isolated instances, or good faith errors in judgment or discretion....

**CONCLUSION**

The claimant in this case did not come to work or contact the employer on June 25, 2025 because she believed she had been fired. After the employer told the claimant that they assumed she quit and the claimant clarified that she did not intend to quit, the claimant was instructed to show up for a meeting the next morning. The claimant did not attend the meeting because she believed she had already been discharged.

The claimant in this case assumed she was discharged, despite the employer telling her that before returning to work she was required to come to a meeting the next day. The employer told the claimant the phone and computer were required to be returned so they could be monitored from the office. The employer did not give the claimant any reason to conclude that she had been discharged. The employer took action to end the employment relationship only after the claimant failed to show up for the meeting on June 26, 2025.

Work attendance is a commonly understood element of the employment relationship. In Tolle, Com. Dec. 9225438, June 18, 1992 the Commission of Labor states, in part:

*Unexcused absence or tardiness is considered misconduct in connection with the work unless there is a compelling reason for the absence or tardiness and the worker makes a reasonable attempt to notify the employer.*

The claimant in this case did not establish that she had a compelling reason for failing to attend the meeting on June 26, 2025. It would have been reasonable for the claimant to attend the meeting to find out if she truly was being discharged. She did not contact the employer in advance and let them know she would not attend. The Tribunal finds the claimant's actions which led to her discharge rise to the level of misconduct.

The Tribunal concludes the claimant was discharged for work related misconduct. The penalties of AS 23.20.379 are appropriate in this case.


### **DECISION**

The determination issued on July 29, 2025 is **AFFIRMED**. Benefits are **DENIED** for the weeks ending June 28, 2025 through August 2, 2025. The three weeks are 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 on August 25, 2025.

  
Rhonda Bunnell, Appeals Officer