



APPEAL TRIBUNAL DECISION

Docket number: 25 0873 **Hearing date:** December 30, 2025

CLAIMANT:

JOHN GRIMES

EMPLOYER:

BLACK GOLD TRANSPORT LLC

CLAIMANT APPEARANCES:

John Grimes

EMPLOYER APPEARANCES:

None

CASE HISTORY

The claimant timely appealed a determination issued on December 4, 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 work for the employer on January 2, 2024. He last worked on November 7, 2025. At that time, he worked full-time as a line haul driver.

The claimant was required to drive a heavy truck in icy and snowy road conditions. In the months leading up to the end of his work, the claimant noted that his ability to focus and his reaction times were slowing, which he attributed to his age at 71 years old. The claimant had several incidents on the road which led to his decision to leave work. In one instance, the claimant was driving with his cruise control on, at what would have been a safe speed in normal road conditions; however, there were black ice conditions that day and using cruise control was not advisable. The claimant was distracted by work on the side of the road when he hit a patch of black ice. The claimant hit his brakes, which was the wrong action, and the truck went sideways across the road. It took the claimant several miles to get the truck under proper control. There was no damage or injury, but the claimant knew if there had been oncoming traffic, he would have struck them.

On November 8, 2025, the claimant went to the employer and told them he had decided he was no longer fit for the job because he no longer met the mental and physical requirements to perform the job safely.

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 not materializing must not be due to the fault of the worker;

(8) 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 holds that a claimant who voluntarily quits suitable without good cause is penalized with a six-week disqualification, a three-week reduction in total benefits and ineligibility for extended benefits.

Regulation 8 AAC 85.095(c) states the Division will consider seven factors when determining good cause to voluntarily leave work, including leaving due to safety conditions, as long as the claimant has no other reasonable alternative to leaving the job. The claimant in this case described lapses in driving that created safety concerns and could have led to injury or death in some circumstances. The claimant held that the safety concerns that led him to leave work were decreases in ability related to his age, which is not something that could be improved or worked around.

The Tribunal finds the claimant in this case voluntarily quit work that was no longer suitable for him with his decreasing abilities. When a claimant leaves work that is not suitable, the penalties of AS 23.20.379 are not applicable.

DECISION

The determination issued on December 4, 2025, is **REVERSED**. Benefits are **ALLOWED** for the weeks ending November 15, 2025, through December 20, 2025, if otherwise eligible. The three weeks are restored to the claimant's maximum benefits. The determination will not interfere with the claimant's eligibility 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 December 30, 2025.

Rhonda Buness, Appeals Officer