



APPEAL TRIBUNAL DECISION

Docket number: 26 0026 **Hearing date:** January 30, 2026

CLAIMANT:

BETSY JOHNSEN
[REDACTED]

EMPLOYER:

HARNISH GROUP INC
[REDACTED]

CLAIMANT APPEARANCES:

Betsy Johnsen

EMPLOYER APPEARANCES:

Susan Noel

CASE HISTORY

The claimant timely appealed a determination issued on December 26, 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 November 3, 2025. The claimant last worked on November 26, 2025. At that time, she worked full-time as a service writer.

The claimant was between one and twenty minutes late for work on a regular basis. The claimant clocked in at her expected work time of 8:00 only one time in the nineteen days that she reported for work. The claimant was usually late because of delays in dropping her toddler off at daycare. The claimant tried leaving earlier, but that did not improve her tardiness. The claimant held that on a few occasions, her late clock-in was due to having problems getting her computer booted up in time to clock-in timely. The employer's written policy requires employees to clock in at their scheduled start time and is not flexible. The claimant was aware of the policy.

On November 10, 2025, the claimant's supervisor told the claimant that the employer was dissatisfied with her continued tardiness. The claimant recalled the supervisor bringing up her late arrival times and asking why she was delayed in arriving each day, but the claimant did not recall being advised that she could lose her job for that reason. The claimant continued to arrive late

each day after the supervisor talked to her. On her last day, the claimant clocked in seven minutes late.

The employer found that the claimant's late arrivals caused pressure on the other service writer and caused delays for service staff that needed to get information from the claimant. The employer has a formal disciplinary policy, but as the claimant was in her 90-day probation period, the employer is not required to follow that policy. The employer decided to discharge the claimant on November 26, 2025, because no improvement was noted after counseling. The claimant was paid through November 28, 2025.

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 was discharged after she continued to arrive at work late after being counseled about her tardiness. The claimant held that she was most often late because she was delayed in dropping her toddler off at daycare.

Work attendance is a commonly understood element of the employment relationship. In Tolle, Comm. Dec. 9225438, June 18, 1992, 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 was aware of the employer's attendance policy, and she was made aware of the employer's dissatisfaction with her tardiness, but she did not make sufficient efforts to improve her arrival times. The employer established that the claimant's continued tardiness was against the employer's interest as it caused inconvenience for other employees and disrupted workflow.

As in Tolle, above, the claimant's tardiness, which was not for a compelling reason, rises to the level of misconduct. The Tribunal finds the claimant in this case discharged for work-related misconduct. The penalties of AS 23.20.379 are appropriate in this case.

DECISION

The determination issued on December 26, 2025, is **AFFIRMED**. Benefits remain **DENIED** for the weeks ending December 6, 2025, through January 10, 2026. 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 February 2, 2026.



Rhonda Bunes, Appeals Officer