



APPEAL TRIBUNAL DECISION

Docket number: 26 0035 **Hearing date:** February 3, 2026

CLAIMANT:

KAYLEIGH FISHER
[REDACTED]

EMPLOYER:

HAINES ASSISTED LIVING INC
[REDACTED]

CLAIMANT APPEARANCES:

KAYLEIGH FISHER

EMPLOYER APPEARANCES:

CARI ODANIEL

CASE HISTORY

The claimant timely appealed a determination issued on January 5, 2026, 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 working for the employer on September 2, 2024. The claimant last worked on November 19, 2025, as a full-time personal assistant.

The employer holds mandatory monthly staff meetings. The claimant did not attend two staff meetings. The claimant missed one meeting because she was unable to find a babysitter for her child, and the other because she was busy moving home.

In July 2025, the employer gave the claimant a warning for missing the meetings. The employer reminded the claimant that the meetings are mandatory and to follow their attendance policy, which requires advance notice if the claimant is unable to attend. The employer told the claimant that if she missed any more meetings, she may be written up or terminated.

In September 2025, the claimant attended the staff meetings on time. However, she was late to work multiple times, and the employer gave the claimant a written warning.

On November 19, 2025, the claimant was scheduled to attend a meeting at 3:00 p.m. and scheduled to start work at 3:30 p.m. Sometime between 1:00 p.m. and 2:00 p.m. the claimant's daughter became ill with a runny nose and fever. She called her grandmother to help her assess her daughter. Around this time, the claimant also received a phone call from her father. The claimant had

not spoken to her father in a while. He was difficult to get hold of, and the claimant wanted to hear the updates on his life.

The claimant missed the meeting while she was busy deciding how to deal with her ill child and talking to her father. The employer sent the claimant a text message asking her whereabouts. The claimant did not respond. She made no attempt to notify the employer she was going to miss the meeting. The claimant arrived on time for the start of her shift.

The next day, the employer discharged the claimant for missing the meeting.

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

"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." Tolle, Comm. Dec. 9225438, June 18, 1992.

Work attendance is a commonly understood element to the employer/employee relationship. It need not be defined in company policy in order to require compliance. It is so important that a single breach can amount to misconduct connected with the work.

The claimant was discharged for not attending a mandatory meeting after receiving a warning. A sick child may be considered a compelling reason to miss work. However, it would have been reasonable to notify the employer she was unable to attend the meeting. The claimant made no attempt to notify the employer. Therefore, the claimant was discharged for misconduct in connection with the work.

DECISION

The determination issued on January 5, 2026, is **AFFIRMED**. Benefits remain **DENIED** for the weeks ending November 29, 2025, through January 3, 2026. 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 on February 4, 2026.



Justin Karaffa, Appeals Officer