



APPEAL TRIBUNAL DECISION

Docket number: 26 0095 **Hearing date:** March 4, 2026

CLAIMANT:

L.H.
[REDACTED]

EMPLOYER:

LOWER KUSKOKWIM SCHOOL DISTRICT
[REDACTED]

CLAIMANT APPEARANCES:

L.H.

EMPLOYER APPEARANCES:

None

CASE HISTORY

The claimant timely appealed a determination issued on February 3, 2026, 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 in August 2022. She last worked on May 23, 2025. At that time, she worked full-time as a principal and site coordinator.

The claimant was dissatisfied with her employer-provided housing. The claimant was required to live in the teacher housing and there were no other rental properties available in the small village in which the claimant worked. The problems were present from the beginning of the claimant's employment and gradually worsened over her tenure. The claimant reported the problems to the employer regularly, and she was told that the employer planned to rebuild the teacher housing since the housing burned down before the claimant's employment, but that work was never started.

The claimant held that the teacher residence had a faulty generator and power and hot water would fail regularly, sometimes once or twice per month, and a repairman would have to fly in. The residents went for as long as five days at a time without heat or hot water. The claimant was also disturbed by the number of flies and small biting insects that were in the residence. The claimant purchased insect repellent, traps, and bombs, but nothing really helped because the windows were not sealed and more insects could always get in. The claimant worried about

the safety of the structure because the house moved so much when the wind blew. The claimant believed living in the residence was harmful to her health because she was frequently bitten by insects and it was hard to sleep, especially when there was no heat. The claimant did not consult a doctor about her health concerns.

In February 2025, the claimant was presented with her contract for the next school year starting in August 2025. The claimant decided she would not return for another year because she felt the worsening living conditions were negatively affecting her health and she was frustrated with waiting for the employer to take action to improve the housing situation. She told the employer only that she was planning to relocate because she did not see any point in telling them she was leaving because of the housing. The claimant refused the new contract and continued working until the end of the school term so she would not disrupt the students' learning.

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 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 Division determined the claimant in this case voluntarily quit work. Regulation 8 AAC 85.095(c) provides seven reasons that the Department will consider when determining good cause for voluntarily leaving work, including 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.

In Singleton, Com. Dec. 95 0992, July 19, 1995, the Commissioner of Labor stated, in part:

A claimant who quits work because of safety concerns is expected to call the concerns to the employer's attention before he is considered to have quit with good cause. Once that is done, however, and the employer ignores or fails to correct the problem, the claimant will have a valid reason for quitting. In Hugo, Com. Dec. 9121035, July 30, 1991.

The conditions of the employer's housing were unacceptable and posed health and safety risks. The claimant brought her concerns to the employer's attention frequently throughout her tenure and she was only told the employer planned to rebuild another residence, however that work was never started and the problems with the claimant's residence just kept getting worse. The claimant did not leave the work earlier because she believed the employer would rebuild and she did not want to abandon the village children and the teachers under her supervision.

The Tribunal concludes the claimant voluntarily left work with good cause. The penalties of AS 23.20.379 are not appropriate.

DECISION

The determination issued on February 3, 2026, is **REVERSED**. Benefits are **ALLOWED** for the weeks ending May 31, 2025, through July 5, 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 March 5, 2026.



Rhonda Bunes, Appeals Officer