



APPEAL TRIBUNAL DECISION

Docket number: 26 0129 **Hearing date:** March 18, 2026

CLAIMANT:

CURTIS PAVILA
[REDACTED]

EMPLOYER:

CITY OF BETHEL
[REDACTED]

CLAIMANT APPEARANCES:

Curtis Pavila

EMPLOYER APPEARANCES:

Laura Cloward

CASE HISTORY

The claimant timely appealed a determination issued on February 25, 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 work for the employer on September 10, 2018. He last worked on February 6, 2026. At that time, he worked full-time as a utility service driver.

The claimant's house in Bethel was damaged by the Halong Typhoon in October 2025 and due to the damage, the house developed mold. The claimant's wife has been previously diagnosed with asthma. The claimant's wife did seek medical care. She was not advised to move out of the house by her doctor, but she was advised mold could be the reason for the exacerbation. The claimant did not look for other housing in Bethel because of the extent of the storm's damage, residents of other coastal villages have relocated to Bethel since the storm and the claimant did not expect to find suitable housing available in Bethel, or any contractors that could repair his home in a timely manner.

The claimant purchased a house in Wasilla and on February 3, 2026, he gave the employer notice that he was voluntarily quitting work effective February 17, 2026, to relocate. The claimant was anxious to relocate his wife, and he was concerned that the new house was unoccupied in cold winter temperatures, so he told the employer he needed to leave work earlier and his last day was February 6, 2026. The employer waived the rest of the claimant's notice period and told him he was eligible for rehire if he were to return.

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

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).

(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....

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 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 relocating with a spouse when the move is related to the spouse's discharge from military service or the spouse's employment. That was not the reason for the move in this case. The regulation also directs the Department to consider the suitability of the work as laid out in AS 23.20.385(b). The claimant did not

establish that the work was a risk to his health, safety or morals, or that he was not physically fit for the work. This leaves the Tribunal to consider other factors that would influence a reasonably prudent person in the claimant's circumstances.

In Missall, Com. Dec. 8924740, April 17, 1990, the Commissioner of Labor summarized Department policy regarding what constitutes good cause for voluntarily leaving work. The Commissioner held, in part:

The basic definition of good cause is 'circumstances so compelling in nature as to leave the individual no reasonable alternative.' (Cite omitted.) A compelling circumstance is one 'such that the reasonable and prudent person would be justified in quitting his job under similar circumstances.' (Cite omitted). Therefore, the definition of good cause contains two elements; the reason for the quit must be compelling, and the worker must exhaust all reasonable alternatives before quitting.

The claimant's wife experienced an exacerbation of her medical condition after the family home was damaged by a storm and developed mold. While a doctor did not recommend the move, the exacerbation of a known medical condition and the correlation with the mold damage in the home is reasonable. The severity of the storm and the damage it caused in the area made finding other housing or getting the claimant's house repaired in a timely manner futile. The claimant did not have to search for other housing or contractors in his small community to know this. The Tribunal finds that a reasonable and prudent person in the claimant's circumstances would relocate to protect their spouse's health. The claimant's desire to leave early rather than complete the notice period did not change that his reason for moving was for his wife's health.

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

DECISION

The determination issued on February 25, 2026 is **REVERSED**. Benefits are **ALLOWED** for the weeks ending February 14, 2026, through March 21, 2026. The three weeks are not reduced from the claimant's maximum benefits. The determination will not interfere with the claimant's eligibility for 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

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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 March 20, 2026.



Rhonda Bunes, Appeals Officer