



APPEAL TRIBUNAL DECISION

Docket number: 26 0281 **Hearing date:** June 16, 2026

CLAIMANT:

BENJAMIN GRAY
[REDACTED]

CLAIMANT APPEARANCES:

Benjamin Gray

DETS APPEARANCES:

None

CASE HISTORY

The claimant appealed a February 13, 2026, determination which denied benefits under Alaska Statute 23.20.379. The issue before the Appeal Tribunal is whether the claimant refused suitable work.

A hearing was held May 29, 2026, which addressed the timeliness of the claimant's appeal. The appeal was accepted as timely filed in a decision issued June 3, 2026.

FINDINGS OF FACT

The claimant established a claim for unemployment insurance benefits effective October 26, 2025. On November 6, 2025, the claimant was hired for an inventory position with Collateral Specialists Inc. The claimant would be required to visit three car dealerships in the Anchorage area once per month to inventory cars that were financed by the employer. The claimant estimated it would take him 2-5 hours per month to make an inventory of all the cars that were under the employer's purview. The claimant most recently worked in inventory control roles. He was to be paid \$24 per hour for the work.

The claimant could not begin the work immediately because he was waiting for the results of a background check required by the employer. On December 2, 2025, the employer sent the claimant an email asking if he was still interested in the job. The claimant replied on December 3, 2025, that he was no longer interested. The claimant had been speaking with another

prospective employer about a full-time job, although he had not yet received a job offer from that employer. The claimant knew he could not get by on the 2-5 hours per month being offered by Collateral Specialists Inc., so he decided he would refuse the part-time work and continue to pursue the full-time job. The claimant was aware that the inventory work was required to be performed during regular business hours, so he could not do that job on the side while performing another full-time job. The claimant was later offered full-time work with another employer which he began in December 2025.

PROVISIONS OF LAW

AS 23.20.379. Voluntary quit, discharge for misconduct, and refusal of work.

- (b) An insured worker is disqualified for waiting-week credit or benefits for a week and the next five weeks of unemployment following that week if, for that week, the insured worker fails without good cause
 - (1) to apply for available suitable work to which the insured worker was referred by the employment office; or
 - (2) to accept suitable work when offered to the insured worker.

AS 23.20.385. Suitable work.

(a) Work may not be considered suitable and benefits may not be denied under a provision of this chapter to an otherwise eligible individual for refusing to accept new work under any of the following conditions:

- (1) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;
- (2) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;
- (3) if, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining a bona fide labor organization.

(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.

8 AAC 85.410. Suitable work.

- (a) The director shall determine that work is suitable for a claimant if the work is in the claimant's customary occupation, or is work for which the claimant has training and experience.
- (b) To determine if the wages, hours, or other conditions of work offered to a claimant are substantially less favorable to him than those prevailing for similar work in the locality, the following standards apply:
 - (1) similar work is work which is similar in the operations performed, the skill, ability and knowledge required, and the responsibilities involved. A judgment of similar work will not be based on job title, hours of work, wages, permanency of the work, unionization, employee benefits, or other conditions of work;
 - (2) the locality of the work offered to a claimant is the area surrounding the offered work and is comprised of those establishments which normally use the same labor supply for work similar to the offered work;
 - (3) the prevailing wages, hours, or other conditions of work are those under which the greatest number of workers are employed in similar work in the locality; however, if the greatest number of workers employed at the same rate is not at least one-third of the total employed, then the prevailing rate will be expressed as the weighted average of the total number of rates;
 - (4) a condition of work offered to a claimant is not substantially less favorable than that prevailing for similar work in the locality if the difference between the condition of the offered work and the prevailing condition is minor or technical, or would have no adverse effect on the claimant. Wages for work offered to a claimant are substantially less favorable than those prevailing if the offered rate is less than 90 percent of the prevailing rate.

8 AAC 85.420. Refusal of suitable work.

- (a) A claimant will be disqualified under AS 23.20.379(b) for refusing suitable work without good cause, or for a failure to apply for suitable work to which he was referred by the employment office, if the offer of work or referral to work was properly made. An offer of work or referral to work is properly made if
 - (1) a job opening exists at the time the offer is made or the referral given;

- (2) the claimant understands that he is receiving an offer or referral, unless an offer of work is not made by the employer because of claimant actions which cause the employer to withhold an offer of employment;
 - (3) the claimant is given sufficient information concerning the conditions of the job, including duties, location of the work, hours of work, wages, working conditions, equipment needed, and union requirements, if any, to determine the suitability of the offer or referral; and
 - (4) the claimant, upon accepting a referral, is given adequate information concerning where and how he should apply.
- (c) Refusal of an offer of work includes
- (1) refusal of a job offer from an employer or from an agent of the employer having authority to hire;
 - (2) action by the claimant which causes the employer to withhold a job offer; or
 - (3) after acceptance of a job offer, a failure to report to work on the first scheduled day of work.

CONCLUSION

Alaska Statute 23.20.379 holds that penalties shall be applied to a claim if the claimant refuses an offer of suitable work. The claimant in this case refused an offer of work because it entailed too few hours and he wanted to pursue full-time work. The claimant argued that the work was unsuitable because it did not offer enough hours.

The Division's Benefit Policy Manual, in SW 450.4 Part-time or Full-time, addresses claimants who refuse work because of the hours:

A. Refusal of Part-time Work

Work is not unsuitable merely because it is part-time. So long as the basic wage is prevailing, whether figured by the hour, by the piece, or on some other basis, the employment is not necessarily unsuitable merely because the weekly wage is lower than prevailing. A claimant employed part-time generally has enough time outside working hours to look for better-paying or full-time employment.

However, a claimant has good cause to refuse part-time work if accepting it prevents seeking or accepting full-time work where there is clear evidence that the hours prevent any reasonable work search.

Example: A claimant (97 1129, June 4, 1997) was offered an opportunity to interview for a 30 hour-per-week job at an unknown rate of pay. She

refused the offered interview because it would not give her time to look for full-time work in her professional field. She had not worked in five months, except for a ten-day temporary registration assistant in January. The Tribunal, in finding that she had precluded without good cause an offer of suitable work, held that there was no showing that she was prevented from continuing to seek work in her profession.

The claimant in this case did not establish that the wage offered by the employer was not the prevailing wage or that the work itself was not suitable for him. The work would not prevent the claimant from seeking full-time work. While it is understandable that the claimant would rather pursue full-time work, at the time he refused work he did not have an offer of full-time work. The Tribunal must conclude that the claimant refused an offer of work without good cause, so the penalties of AS 23.20.379 are appropriate.

DECISION

The determination issued on February 13, 2026, is **AFFIRMED**. Benefits remain **DENIED** for the weeks ending December 6, 2025, through January 10, 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 June 17, 2026.

A solid black rectangular box used to redact the signature of the Appeals Officer.

Rhonda Bunnell, Appeals Officer