

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL  
FROM THE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT**

In the Matter of )  
 )  
EDDIE T. MANZANO ) OAH No. 22-0609-LUI  
 ) Agency No. 22 0525 10  
\_\_\_\_\_ )

**APPEAL DECISION**

**Docket Number:** 22 0525 10

**Hearing Date:** July 12, 2022

**CLAIMANT APPEARANCES:**

**EMPLOYER APPEARANCES:**

Eddie T. Manzano

None

**CASE HISTORY**

Eddie Manzano LLC timely appealed a May 13, 2022 determination by the Division of Employment and Training Services (Division) that his employer, Trident Seafoods Corporation (Trident), voluntarily left work without good cause. Based on that determination, DETS declined to imposed a disqualification under AS 23.20.379(a)(1) and a benefit limitation under AS 23.20.379(c). Notice of the decision was mailed on May 16, 2022 and appealed by Mr. Manzano on May 23, 2022.

The Department of Labor and Workforce Development referred the appeal to the Office of Administrative Hearings in May of 2022. Under the agreed terms of referral, an administrative law judge hears and decides the appeal under procedures specific to UI appeals. AS 44.64.060 procedures do not apply.

The matter was heard in a recorded hearing on July 12, 2022, during which Mr. Manazo testified under oath with the assistance of a Tagalog interpreter. The issue presented at the hearing was whether Mr. Manano voluntarily left work for good cause.

**FINDINGS OF FACT**

Mr. Manzano has worked seasonably as a fish processor for Trident since 2012. On December 28, 2021, his wife, Irene, had a severe heart attack and was admitted to the intensive care unit of a California hospital. A “balloon pump” was used to support her heart, she was given dialysis to support her kidneys, and she was placed on multiple medications. She developed cholecystitis, an infection of the gall bladder, for which she was treated with antibiotics and a drain.

Irene was discharged from the hospital on February 3, 2022, although her situation was still serious. The doctor described her condition as “50/50” and suggested Mr. Manzano go home to be with her.

Mr. Manzano quit his seasonal work with Trident on February 3, 2022 to care for Irene. He was not able to get home until February 11, 2022 because he had to quarantine in a hotel room. While he was in quarantine, Irene’s sister took care of Irene and the Manzanos’ children. Irene’s sister could have continued caring for Irene while Mr. Manzano worked, but he wanted to be with his wife when she came home from the hospital.

At the time of the hearing, Irene was still ill and planning to undergo another operation.

### **EXCERPTS OF RELEVANT PROVISIONS OF LAW**

#### **AS 23.20.379 states 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).


### **APPLICATION**

The evidence establishes that Mr. Manzano voluntarily quit his job on February 3, 2022 to care for his sick wife, Irene. Although Irene had been released from the hospital, her situation was still sufficiently severe that she required care. Under 8 AAC 85.095(c)(2), leaving work to care for an ill family member constitutes good cause for voluntarily leaving suitable work. It is immaterial that Irene's sister could have cared for her instead of Mr. Manzano, because the unemployment regulations do not require that the claimant be the only available caretaker to be eligible for unemployment benefits.

## DECISION

The determination issued on May 13, 2022 is **REVERSED**. No disqualification under AS 23.20.379(a)(1) or any benefit limitation under AS 23.20.379(c), may be imposed for the claimant's separation from his seasonal work with Trident.

DATED July 25, 2022.

  
Lisa M. Toussaint  
Administrative Law Judge

## 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.

## CERTIFICATE OF SERVICE

I certify that on July 25, 2022, this document was sent to: Eddie T. Manzano (by mail); Trident Seafoods Corporation (by mail). A courtesy copy has been emailed to the DETS UI Appeals Team.

  
Office of Administrative Hearings



*Alaska Department of Labor and Workforce Development  
Appeals to the Commissioner \_*

Please read carefully the enclosed Appeal Tribunal decision. Any interested party (claimant or the Division of Employment and Training Services [DETS]) may request that the Commissioner accept an *appeal* against the decision (AS 23.20.430-435 and 8 AAC 85.154-155).

A Commissioner appeal must be filed within 30 days after the Appeal Tribunal decision is mailed to a party's last address of record. The 30-day period may be extended for a reasonable time if the appealing party shows that the appeal was late due to circumstances beyond the party's control.

A Commissioner appeal must be in writing and must fully explain your reason for the appeal. You or your authorized representative must sign the appeal. All other parties will be sent a copy of your appeal. Send Commissioner appeals *to the Commissioner's Hearing Officer* at the address below.

A Commissioner appeal is a matter of right if the Appeal Tribunal decision reversed or modified a DETS determination. If the Appeal Tribunal decision did not modify the DETS determination, the Commissioner is not required to accept the appeal. If the appeal is accepted, the Commissioner may affirm, modify, or reverse the Appeal Tribunal decision. The Commissioner may also refer the matter back to the Appeal Tribunal for another hearing and/or a new decision. The Commissioner will issue a written decision to all interested parties. The Commissioner decision will include a statement about the right to appeal to Superior Court.

Any party may present *written argument* to the Commissioner stating why the Appeal Tribunal decision should or should not be changed. Any party may also request to make an *oral argument*. Written argument and/or a request for oral argument should be made when you file an appeal or immediately after you receive notice that another party filed an appeal. You must supply a written argument or a request for oral argument promptly, because neither will likely be considered after the Commissioner issues a decision.

**ALASKA DEPARTMENT OF LABOR  
AND WORKFORCE DEVELOPMENT  
COMMISSIONER'S HEARING OFFICER**

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