



APPEAL TRIBUNAL DECISION

Docket number: 24 0700 **Hearing date:** October 29, 2024

CLAIMANT:

MIRANDA DOUR
[REDACTED]

EMPLOYER:

LISA ANNS GROOMING LLC
[REDACTED]

CLAIMANT APPEARANCES:

MIRANDA DOUR

EMPLOYER APPEARANCES:

LISA ALISON

CASE HISTORY

The claimant timely appealed a September 4, 2024, determination that denied benefits under Alaska Statute 23.20.379. The issue before the Appeal Tribunal is whether the claimant voluntarily quit suitable work without good cause.

FINDINGS OF FACT

The claimant began working for the employer in August of 2016. She last worked on August 20, 2024, as a full-time dog groomer. Two weeks earlier, the owner approached the claimant about scheduling herself for more than six grooming appointments each day to meet client needs and boost revenue. The claimant voiced her concerns about being able to handle that many appointments as she had to wash each of her dogs herself.

There was another employee whose job was to wash dogs, but the claimant felt the employee ignored her dogs in favor of the owners. The claimant did not believe she was able to count on the other employee for help, which was why she only scheduled six appointments each day.

The owner was aware the two employees disliked each other, and she had implemented a method for the claimant to mark the dogs needing washed without having to communicate directly with the other employee. However, that system was not working. The owner needed the claimant and the other employee to work together, which required the claimant to communicate directly with the other employee about what dogs needed to be washed.

At the end of a heated discussion on the matter, the owner asked the claimant if she still wanted to work for the business. The claimant decided to submit her notice of resignation, rather than comply with the owner's directive.

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

In Ostrowski, Comm'r Dec. 01 0437, June 11, 2001, the Commissioner affirmed the long-held standard applied in voluntary leaving issues:

The Department has consistently held that once having voluntarily quit, it is the burden of the claimant to establish good cause for quitting. Fogleson, Comm'r Dec. 8822584, February 28, 1989. The basic definition of good cause is circumstances so compelling in nature as to leave the individual no reasonable alternative but to quit at the time he did. A compelling circumstance is one such that the reasonable and prudent person would be justified in quitting his job under similar circumstances. 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. Missall, Comm'r Dec. 8924740, April 17, 1990.

“We have previously held that quitting due to a personality conflict with a co-worker is without good cause.” Dulak, Comm'r Dec 97-1040, July 25, 1997.

The claimant quit work rather than comply with her employer's request to work with her co-worker and take on additional grooming appointments. While it is understandable the claimant was uncomfortable working with an employee with whom she did not get along, there was nothing to establish the

circumstances were so egregious as to leave her with no reasonable alternative but to quit at that time. Therefore, good cause for quitting work was not established in this case.

DECISION

The determination issued on September 4, 2024, is **AFFIRMED**. Benefits remain **DENIED** for the weeks ending August 24, 2024, through September 28, 2024. The three weeks are 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 November 8, 2024.



Justin Karaffa, Appeals Officer