



APPEAL TRIBUNAL DECISION

Docket number: 24 0833 **Hearing date:** December 31, 2024

CLAIMANT:

ROBERT JACOB
[REDACTED]

EMPLOYER:

NATIVE VILLAGE OF NAPASKIAK
[REDACTED]

CLAIMANT APPEARANCES:

ROBERT JACOB

EMPLOYER APPEARANCES:

NONE

CASE HISTORY

The claimant timely appealed a November 15, 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 on February 10, 2024. He last worked on October 18, 2024, as a part-time sanitation worker. The job description for the sanitation worker required a general education diploma (GED), which the claimant did not have. However, the employer was experiencing staffing shortages and hired the claimant without his GED.

The claimant did not like the sanitation job. He felt the work was strenuous, and he did not like when he had to work long hours. The claimant was allowed to reduce his hours to 9 a.m. to 4 p.m., Monday through Friday, but still felt the work was too much. He also did not feel the position paid enough. When he started the job, he made \$15 an hour, and when he quit, he was making \$18 an hour.

The claimant decided that he needed to get his GED so he could find a job he liked better. He knew about free classes he could take at the local school that would help him prepare to take the GED tests. The classes were held from 5 p.m. to 7 p.m., three days each week. The claimant decided not to work while taking the classes because he wanted to focus on his studies. In early October 2024, he notified his employer he would be quitting soon.

On October 18, 2024, the claimant resigned from his position. Although he registered for class online, he was required to obtain an identification card and purchase books and supplies before school started. The claimant stated he could not take time off work to get his identification and supplies because he had previously been warned about missing work. He was unable to perform these tasks after work or on the weekends because the facilities were only open during the time he worked.

The claimant began GED classes on October 30, 2024, and classes ended on December 4, 2024, for the holiday break. Classes will start again in early January 2025. The claimant has not completed his training or obtained his GED at this time. He is currently trying to find part-time work, which will allow him time between work and class to get some rest and eat.

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

8 AAC 85.095(5) holds that a claimant has good cause to leave work if they leave unskilled work to attend a vocational training or retraining course approved by the director, only if the claimant enters the course immediately upon separating from work. The claimant in this case left work twelve days before his training began.

The Division's Benefit Policy Manual at VL 40, Attendance at School or Training Course, holds:

c. Immediately upon separating from work

To be allowed under the regulation, the worker must enter the training program immediately upon separating from work. The time frame is

undefined in regulation but must be reasonable in view of all facts. If the time lapse is more than a few days, extenuating circumstances need to be established to show good cause. When the worker must relocate to attend school, more time will be required than the worker who is attending school locally.

The claimant did not relocate to attend class, and he left work more than a few days before his training began. The tasks the claimant had to complete before the start of his training do not commonly require more than a few days to finish, even if they cannot be done during the weekends. He has not established any sort of extenuating circumstances that required him to leave work at the time he did. Therefore, good cause has not been established.

DECISION

The determination issued on November 15, 2024, is **AFFIRMED**. Benefits remain **DENIED** for the weeks ending October 26, 2024, through November 30, 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 January 16, 2025.


Justin Karaffa, Appeals Officer