



APPEAL TRIBUNAL DECISION

Docket number: 25 0139 **Hearing date:** March 24, 2025

CLAIMANT:

ANECIA WASSILLIE
[REDACTED]

EMPLOYER:

DENALI UNIVERSAL SERVICES LLC
[REDACTED]

CLAIMANT APPEARANCES:

Anecia Wassillie

EMPLOYER APPEARANCES:

Kim Amar
Sheila Harbridge

CASE HISTORY

The claimant timely appealed a February 20, 2025 determination which denied benefits under Alaska Statute 23.20.379. The issue before the Appeal Tribunal is whether the claimant was discharged for misconduct connected with the work.

FINDINGS OF FACT

The claimant began work for the employer on October 5, 2020. She last worked on December 29, 2024. At that time, she worked full time as a housekeeper on a rotating shift at the employer's remote worksite.

The employer was dissatisfied with the claimant's recent work performance and the claimant was counseled on September 30, 2024 for performance issues. Among other things, the claimant was advised she was not to go to her room during her shift without letting her supervisor know. The claimant was advised she was being issued a final warning, and further policy violations could result in her termination.

On December 29, 2024, the claimant approached the camp manager to ask if she could go to her room to put some of her possessions in her locker. The claimant had a roommate who worked an opposite shift, and camp rules required that the claimant not go in the shared room during her roommate's time off-shift, or "private time," to allow the roommate privacy and adequate sleep. The claimant was advised of the policy on hire.

The camp manager told the claimant she could go to the room to put her items in the locker if the roommate was not there or if the roommate was okay with the claimant coming in. The claimant had gone by the room earlier and had heard the shower running so she knew her roommate was awake. The claimant was aware that it was nearing time for her roommate to begin her shift. The claimant went to the room and knocked loudly three times and got no response. The claimant assumed her roommate must have already left the room, so she opened the door. The roommate was in the room, wearing a robe and preparing to get dressed. The claimant asked if she could come in and the roommate yelled that she could not come in, so the claimant closed the door. The roommate complained to the camp manager that the claimant had entered the room in violation of the employer's policy. 0

The claimant held that she went into the room during the roommate's private time because she was in a hurry to prepare to leave the worksite the next day at the end of her rotation. The claimant held that she could have waited until the roommate's shift started or until she was otherwise sure the roommate was not in the room, but she did not think to do that at the time.

The employer considered that the claimant had violated the room sharing policy, of which she was aware, after having received a final warning for performance issues in September. The claimant was advised at the end of her shift on December 29, 2024 that she was discharged effective immediately. The claimant left the worksite on December 30, 2024 as planned.

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

8 AAC 85.095 provides in part:

- (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....

CONCLUSION

The claimant in this case was discharged after she violated the employer's policy by entering her shared room during her roommate's private time, a violation of the employer's policy on shared rooms. The Commissioner of the Department of Labor and Workforce Development has previously addressed an employer's right to expect that reasonable rules will be followed by workers:

The employer does have the right to set the parameters of the work. Furthermore, insubordination - that is, refusal to obey a reasonable request of the employer - does constitute misconduct. On the other hand, if just cause can be shown for refusing the request, then misconduct may be converted to a non-disqualifying separation. In Vaara, Com. Dec. 85H-UI-184, September 9, 1985.

In a question of whether insubordination constitutes misconduct in connection with a claimant's work, "it is only necessary to show that he [the claimant] acted willfully against the best interests of his employer in order to establish that." Risen, Com. Dec. 86H-UI-214, September 15, 1986. In Risen, the Commissioner also held that when a claimant refuses an employer's instructions, "Such refusal, absent a showing that the employer's request was unreasonable or detrimental to the individual, is misconduct in connection with the work."

The claimant in this case was aware of the employer's rule prohibiting her from entering the shared room during her roommate's private time. The claimant held that the camp manager gave her permission to enter the room, however the claimant reported that the manager told her she could put her items in the room if the roommate was gone or gave her permission to enter. The claimant knocked but did not get an answer. She could have waited until it was no longer her roommate's private time or until she could be sure the roommate was not in the room before opening the door without permission. The roommate was upset by the claimant's violation of her private time and complained to the employer, which demonstrates that the claimant's actions caused harm.

Considering the facts in this case and the decisions of the Commissioner cited above, the Tribunal finds that the claimant's actions were a willful disregard of the employer's interests. Misconduct has been established. The Tribunal concludes that the claimant was discharged for work related misconduct therefore the penalties of AS 23.20.379 are appropriate.

DECISION

The determination issued on February 20, 2025 is **AFFIRMED**. Benefits remain **DENIED** for the weeks ending January 4, 2025 through February 8, 2025. 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 March 26, 2025.

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

Rhonda Bunes, Appeals Officer