

**ALASKA DEPARTMENT OF LABOR
AND WORKFORCE DEVELOPMENT
OFFICE OF THE COMMISSIONER
PO BOX 111149
JUNEAU, ALASKA 99811-1149**

**DECISION OF THE COMMISSIONER OF LABOR
Docket No. 26 0222**

IN THE MATTER OF:

CLAIMANT:

ELIZABETH HART

DETS:

BENEFIT PAYMENT CONTROL

The claimant appealed to the Department from a Tribunal decision mailed on May 7, 2026, that denied the claimant's request to appeal a division determination that was issued on January 28, 2026. The Tribunal denied the claimant's request because the appeal was filed more than 30 days after the division determination was mailed.

In her request for Department review, the claimant stated, "I did not submit my I initial appeal in time due to a time frame where I was working up in the Arctic – and when I received my mail. . .there was no way for me to respond at the time. Even setting up the appeal once I got home, I did not have sufficient time to read through the paperwork-nor get legal advice."

Under AS 23.20.435, an appeal to the Department by a party is a matter of right only if the decision of the Tribunal reverses or modifies the Division's initial determination, or if a question arising under AS 23.20.383 is presented. In all other cases, further appeal to the Department is permitted only at the discretion of the Department. The Department will accept an appeal from a Tribunal decision affirming the Division's initial determination if the Tribunal decision is clearly erroneous or the appeal presents an issue requiring the Department's opinion.

We have reviewed the case, including the audio recording of the Tribunal hearing. The Tribunal found the claimant had not established a circumstance beyond her control that kept her from filing an appeal until April 13, 2026. The Tribunal decision properly applied Alaska law and other precedent cases. The decision was not clearly erroneous, and there was no issue requiring the Department's opinion.

Therefore, the claimant's request for Department review is **DENIED**.

FURTHER APPEAL may be had from this decision by filing a Notice of Appeal in Superior Court for the State of Alaska within 30 days from the date of mailing of this decision as provided in AS 23.20.445, AS 44.62.560-570 and the Rules of Appellate Procedure of the State of Alaska. Unless an appeal is filed within the said 30-day period, this decision is final.

Dated and Mailed on June 26, 2026.

**CATHERINE MUÑOZ,
COMMISSIONER**