



APPEAL TRIBUNAL DECISION

Docket number: 25 0492 **Hearing date:** July 23, 2025

CLAIMANT:

BRIAN VANA
[REDACTED]

CLAIMANT APPEARANCES:

Brian Vana

DETS APPEARANCES:

None

CASE HISTORY

The claimant timely appealed a July 2, 2025 determination which denied benefits under AS 23.20.375. The issue before the Appeal Tribunal is whether the claimant met the Division's filing requirements.

FINDINGS OF FACT

The claimant was laid off due to a lack of work on June 20, 2025. The next week, the claimant attempted to re-open his previously established unemployment insurance benefit claim by phone from Cooper Landing, Alaska. The claimant called the Division's claim center multiple times each day, during the operational hours of the claim center. The claimant repeatedly got a message that the phone system was not working.

Documents in the record show a Division representative reviewed the claim center's call logs for that week and found only one call from the claimant's phone number, with a duration of 15 seconds. The claimant estimated that he tried to call 50-60 times. The claimant held that he also attempted to re-open his claim using the Division's website, but the website would not allow him to get past the first page of the application.

On July 2, 2025, the claimant drove to the nearest Job Center, 200 miles away, and used the direct phone line to contact the Division's claim center. He was assisted to re-open his claim effective Sunday, June 29, 2025. Benefits were denied for the week ending June 28, 2025 because that week ended before the effective date of the claimant's reopened claim.

PROVISIONS OF LAW

AS 23.20.375. Filing requirements

(a) An insured worker is entitled to receive waiting-week credit or benefits for a week of unemployment for which the insured worker has not been disqualified under, 23.20.362, 23.20.378 - 23.20.387, or 23.20.505 if, in accordance with regulations adopted by the department, the insured worker has

- (1) made an initial claim for benefits; and
- (2) for that week, certified for waiting-week credit or made a claim for benefits.

8 AAC 85.100 Intrastate claim filing: initial claims

(a) Intrastate initial claims, including new claims, transitional claims, additional claims, and reopened claims, as defined in this chapter, must be filed in accordance with the standards set out in this section. A claimant is not eligible for waiting week credit or benefits for any week before the week in which the initial claim is effective under this section.

(b) A claimant shall file an initial claim with an unemployment insurance claim center of the division by

- (1) electronic means using an Internet application for benefits, which is the division's preferred and primary method for filing an initial claim;
- (2) telephone; or
- (3) mail, with the prior approval of the director.

(c) An initial claim is effective Sunday of the week in which the claimant

- (1) files the claim; or
- (2) requests to file a claim during regular business hours of the division, if the claim cannot be immediately accepted and the claimant files the claim within five business days after the date of that request, or if filed by mail, within 14 calendar days after the date of that request.

(d) An initial claim filed by mail is effective on Sunday of the week of the postmark date of the mailing of the completed claim form.

(e) Repealed 3/25/2007.

(f) A claimant who is in continued claim status at the end of a benefit year must file a new claim to begin a new benefit year. An extended benefit claimant who is in continued claim status at the end of the benefit year, or at the end of any quarter following the benefit year, must file a new claim to determine eligibility for regular benefits in a new benefit year. The director will send a notice of the requirement to file a new claim to the claimant at least two weeks before the end of the benefit year or the end of the applicable calendar quarter.

- (g) A transitional claim, or any new claim filed during a series of continued claims after the end of a benefit year, is effective on Sunday of the week immediately following the end of the benefit year or the applicable calendar quarter, if the claim is filed no later than seven calendar days after the end of the benefit year or applicable calendar quarter. The director shall extend the time allowed for filing the claim if the failure to file the claim earlier was caused by an oversight or error of the division.
- (h) A claimant shall file an additional claim to begin a new series of continued claims in a benefit year if the claimant had intervening work and
 - (1) stopped filing continued claims; or
 - (2) earned wages for a week greater than one and one-third times the weekly benefit amount plus \$50.
- (i) An claimant filing an additional claim shall provide
 - (1) the name and address of the claimant's last employer;
 - (2) the dates of employment; and
 - (3) the reason for separation from that employer.
- (j) A claimant who stopped filing continued claims for a reason other than work shall file a reopened claim to begin a new series of continued claims in the same benefit year. A claimant filing a reopened claim shall provide the reason why the claimant stopped filing continued claims.

CONCLUSION

Alaska Statute 23.20.375 requires that a claimant must have an initial claim in place in order to be eligible for benefits in a week. The claimant had stopped filing during a period of work and he was required to reopen his claim in order to start claiming benefits.

The claimant attempted to re-open his claim during the week ending June 28, 2025. He was unable to get through by phone, repeatedly receiving a message that phone system was not working. The Division's phone records confirm that the claimant attempted to contact the Division by phone. The claimant was also unable to access the Division's website in order to re-open his claim online.

Regulation 8 AAC 85.100 holds that a claim is effective Sunday of the week in which a claimant files a claim, or requests to file a claim during the Division's regular business hours. The claimant made many attempts to file his claim during regular business hours in the week ending June 28, 2025. For some reason, the claimant was unable to get through to the claim center or to complete the website application.

The Tribunal finds the claimant's benefit year should be made effective June 22, 2025.

DECISION

The determination issued on July 2, 2025 is **REVERSED**. Benefits are **ALLOWED** for the week ending June 28, 2025, if the claimant is otherwise eligible.

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 July 24, 2025.

A black rectangular box redacting the signature of Rhonda Buness.

Rhonda Buness, Appeals Officer