



APPEAL TRIBUNAL DECISION

Docket number: 25 0779 **Hearing date:** November 18, 2025

CLAIMANT:

ANNELIESE COCHRANE
[REDACTED]
[REDACTED]

CLAIMANT APPEARANCES:

Anneliese Cochran

DETS APPEARANCES:

None

CASE HISTORY

The claimant timely appealed an October 25, 2025 determination which denied benefits under AS 23.20.378. The issue before the Appeal Tribunal is whether the claimant was available for work.

FINDINGS OF FACT

On September 19, 2025, the Division mailed a notice to the claimant's address of record, notifying her that she was required to participate in reemployment services. The notice advised the claimant to schedule and attend an in-person reemployment eligibility assessment interview and complete any assigned activities by October 10, 2025, or benefits would be denied. The claimant did not recall receiving the notice. The claimant was evacuated from Bethel on October 13, 2025 and she had not received the notice before she left. The claimant keeps all of her notices from the Division in a folder and she was certain she did not get a notice regarding the reemployment requirement.

When the claimant did not receive benefits as expected, she began trying to contact the claim center, which resulted in her being on hold for hours at a time. When the claimant reached a representative, she was advised that she was required to complete the reemployment interview, however the claimant was advised the program was not available at the job center in Bethel and the interview could not be completed via telephone or video call. The claimant made many calls to find out how to resolve the issue and she was advised to file an appeal on October 30, 2025. On November 14, 2025, the Division issued

a determination that ended the denial of benefits effective October 25, 2025. The determination held that the claimant had re-opened her claim for benefits in an area where the services was not offered. The Division's records do not reflect that the claimant changed her area of residence or her mailing address at any point, and apart from the time she was evacuated, she has resided in Bethel.

PROVISIONS OF LAW

AS 23.20.378 provides:

- (a) An insured worker is entitled to receive waiting-week credit or benefits for a week of unemployment if for that week the insured worker is able to work and available for suitable work....

8 AAC 85.350:

- (a) A claimant is considered able to work if the claimant is physically and mentally capable of performing work under the usual conditions of employment in the claimant's principal occupation or other occupations for which the claimant is reasonably fitted by training and experience.
- (b) A claimant is considered available for suitable work for a week if the claimant
 - (1) registers for work as required under 8 AAC 85.351;
 - (2) makes independent efforts to find work as directed under 8 AAC 85.352 and 8 AAC 85.355;
 - (3) meets the requirements of 8 AAC 85.353 during periods of travel;
 - (4) meets the requirements of 8 AAC 85.356 while in training;
 - (5) is willing to accept and perform suitable work which the claimant does not have good cause to refuse;
 - (6) is available, for at least five working days in the week, to respond promptly to an offer of suitable work; and
 - (7) is available for a substantial amount of full-time employment.

8 AAC 85.355:

The director may review a claimant's registration for work and availability for work at any time during the benefit year. As part of the review, the director shall consider the claimant's training, experience, length of unemployment, plan for obtaining work, barriers to reemployment, and work prospects. On the basis of the review, the director may assign to the claimant new suitable occupation codes, change the claimant's

registration for work, assign the claimant to reemployment services or instruct the claimant to make independent attempts to find work that are appropriate for the occupation and labor market. If the claimant fails without good cause to participate in the review, participate in reemployment services as directed by the director, or follow instructions of the division to help the claimant find suitable work, the director shall determine the claimant was not available for work.

8 AAC 85.357 provides:

- (a) A claimant is not available for work for any week in which the claimant fails to participate in reemployment services if the claimant has been determined by the director likely to exhaust regular benefits and need reemployment services, unless the claimant has
 - (1) completed the reemployment services; or
 - (2) has good cause under (b) of this section for failure to participate in the reemployment services.
- (b) The director shall find that a claimant has good cause for failure to participate in reemployment services or related services under (a) of this section if the cause would lead a reasonable and prudent person not to participate in those services and the claimant took the actions that a reasonable and prudent person would take in order to participate. A claimant no longer has good cause when the cause preventing participation ends. Good cause includes
 - (1) circumstances beyond the claimant's control;
 - (2) circumstances that waive the availability for work requirement in AS 23.20.378;
 - (3) attendance at training approved under AS 23.20.382 and 8 AAC 85.200; and
 - (4) referral to reemployment services that the director determines was made incorrectly.

CONCLUSION

Regulation 8 AAC 85.357, above, holds that a claimant is not available for work in any week in which the claimant fails to participate in reemployment services, unless the failure to participate is caused by circumstances beyond the claimant's control.

The claimant was advised she was required to complete reemployment services, but then she was advised that the services was not available in her area of residence. The claimant was willing to complete the services, but she was not advised how she could do so. The Tribunal finds that circumstances outside

the claimant's control prevented her from participating in reemployment services during the period under review.

DECISION

The redetermination issued on November 14, 2025 is **REVERSED**. Benefits are **ALLOWED** under regulation 8 AAC 85.351 for the weeks ending October 11, 2025 through October 25, 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 November 20, 2025.


Rhonda Buness, Appeals Officer