



APPEAL TRIBUNAL DECISION

Docket number: 26 0109 **Hearing date:** March 10, 2026

CLAIMANT:

FRANCES WHALIN
[REDACTED]

CLAIMANT APPEARANCES:

Frances Whalin

DETS APPEARANCES:

None

CASE HISTORY

The claimant timely appealed a February 14, 2026, 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 January 5, 2026, the Division mailed a notice to the claimant's address of record, notifying the claimant 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 January 26, 2026, or benefits would be denied.

The claimant made an appointment to participate in the assessment interview on January 26, 2026. That day, the claimant left her home to catch a bus to the job center, and she slipped and fell twice before she got to her mailbox because rain had made the roads and sidewalks very icy. The claimant decided it was unsafe to continue and returned home.

The claimant went to the job center during the first week of February and scheduled an appointment for an assessment interview on February 9, 2026, the earliest appointment available to her. The claimant completed the interview on that date.

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 set out to complete the assessment interview before the deadline, but she was unable to get to the job center safely. The claimant rescheduled her interview promptly and she attended the interview at the next available date. The unsafe weather conditions and the availability of appointments are beyond the claimant's control. The Tribunal finds the claimant was available for work during the weeks under review.

DECISION

The determination issued on February 14, 2026, is **REVERSED**. Benefits are **ALLOWED** for the weeks ending January 31, 2026, and February 7, 2026, 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 March 12, 2026.

A solid black rectangular box used to redact the signature of Rhonda Bunes.

Rhonda Bunes, Appeals Officer