



## APPEAL TRIBUNAL DECISION

**Docket number:** 26 0198 **Hearing date:** April 20, 2026

### CLAIMANT:

ANCEL ROBINSON  
[REDACTED]

### CLAIMANT APPEARANCES:

Ancel Robinson

### DETS APPEARANCES:

None

### CASE HISTORY

The claimant timely appealed an April 2, 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

The claimant established a claim for unemployment insurance benefits effective September 28, 2025. On October 31, 2025, the Division mailed a notice to the claimant's address of record, notifying the claimant that he was required to participate in reemployment services. The notice advised the claimant to schedule and attend an in-person reemployment eligibility assessment (RESEA) interview and complete any assigned activities by November 21, 2025, or benefits would be denied. The claimant did not recall receiving the notice. The claimant held he does not have any known problems with the delivery of his mail.

On November 25, 2025, the Division mailed a notice advising the claimant that he had missed the RESEA deadline and he should contact the Division. The claimant did not recall receiving that notice. The claimant contacted the Division on December 11, 2025, because he noted he had not received benefits. The claimant was advised of the RESEA requirement. The claimant called the Division on January 14, 2026, and he was advised to contact the job center directly to schedule a RESEA interview. On January 26, 2026, the claimant called the claim center and was transferred to the job center to

schedule a RESEA interview. On January 28, 2026, the claimant advised a claim center representative that he had scheduled an appointment to complete the in-person RESEA interview on February 2, 2026. The claimant recalled that he was late for the interview appointment on that date because he stopped to get coffee on the way and the appointment was cancelled.

On March 11, 2026, the claimant called and was again transferred to the job center to schedule a RESEA interview. The claimant completed the RESEA interview on March 31, 2026.

### **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 in this case did not participate in reemployment services in during the period under review because he did not receive the notice directing him to participate.

*There is a rebuttable presumption that a notice placed in the mail will be timely delivered. Rosser, Com. Dec. 83H-UI-145, June 15, 1983. Only if it can be shown that some circumstances occurred which prevented or reasonably can be shown to have prevented the delivery of the mail can the presumption of timely delivery be overcome. Whitlock, Com. Dec. No. 9229240, March 17, 1993.*

The Division satisfied its obligation to notify the claimant of the requirement to participate in reemployment services. The claimant has not overcome the presumption that the mail was delivered timely. The claimant was additionally notified of the requirement to complete the RESEA tasks several times by claim center representatives and at one point scheduled an appointment which was then cancelled because he was late.

The Tribunal finds the claimant has not established that his delay in completing reemployment services requirements was due to circumstances beyond his control. The claimant was properly denied benefit eligibility for the weeks under review.

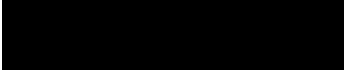
### **DECISION**

The determination issued on April 2, 2026 is **AFFIRMED**. Benefits remain **DENIED** for the weeks ending November 22, 2025 through March 28, 2026.

### **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 April 23, 2026.

  
Rhonda Bunes, Appeals Officer