



APPEAL TRIBUNAL DECISION

Docket number: 26 0244 **Hearing date:** May 11, 2026

CLAIMANT:

SEAN GIBSON
[REDACTED]

CLAIMANT APPEARANCES:

Sean Gibson

DETS APPEARANCES:

None

CASE HISTORY

The claimant timely appealed an April 21, 2026, redetermination which denied benefits under AS 23.20.378 and 8 AAC 85.350-351. The issue is whether the claimant met the registration requirements to be considered available for full-time work.

FINDINGS OF FACT

On March 10, 2026, the claimant established a claim for unemployment insurance benefits effective March 8, 2026, using the Division's online benefit filing system. The initial claim application contained a notice to the claimant that he was required to register for work and post a résumé on the Division's AlaskaJobs website within seven days, and if he had already posted a résumé he was responsible to verify the résumé was up-to-date and online. The claimant understood he was required to have a résumé posted to AlaskaJobs.

The claimant believes he accessed his previously posted résumé within 7 days and made sure that it was up to date. The claimant did not select to have his résumé posted so that it was available to Division staff and prospective employers because he did not see the option.

The Division mailed the initial notice of determination in this matter to the claimant's address of record on March 21, 2026. The notice advised the claimant his benefits were denied until he met the registration requirements.

The claimant did not receive benefits despite filing certifications each week. The claimant did not contact the Division to inquire about his benefits because his cell phone service was shut off. The claimant used a friend's internet access to

file claims and to search for work. The claimant called the Division on April 18, 2026, after getting his phone service turned back on. The claimant was advised that his benefits were denied because he had not posted his résumé online as required. The claimant accessed his résumé that day and selected to have it posted online.

PROVISIONS OF LAW

AS 23.20.378 provides, in part:

- (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 provides, in part:

- (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 85.351 provides:

- (a) a claimant who files a claim for benefits in a state that acts as agent in taking claims for benefits held by this state shall register for work in accordance with the statutes, regulations, and procedures of the state in which the claim is filed.
- (b) a claimant who files for benefits in this state shall register for work as required by AS 23.20 and this section. An active placement registration for work in this state means the claimant has registered with the labor exchange system operated by the division and has posted an online resume that is available for employers and division staff to match with available jobs. A claimant shall register for work
 - (1) in person or by mail at the employment service office of the division that is nearest the claimant's residence;
 - (3) by telephone, if permitted by the director; or
 - (4) by electronic means at the department's website.

- (c) The director shall find that a claimant is not available for work for any week ending before completion of a placement registration for work. To be considered available for work from the date of the initial claim, a claimant must complete a placement registration within seven days after filing the initial claim. If the placement registration is not completed within seven days, the claimant is considered available for work the week the placement registration is completed.
- (g) The director may defer registration for work for a claimant who is
 - (1) temporarily unemployed with a definite date to return to full-time work within 45 days after the date the claimant files the initial claim;
 - (2) unemployed due to a labor dispute;
 - (3) traveling immediately following the filing of the initial claim, for the purpose of relocating outside of this state; upon arrival in the new area of residence, the claimant shall register for work as required in (a) of this section;
 - (5) normally hired through a trade union, if the union furnishes information when requested by the director to verify the claimant's current membership and eligibility for dispatch;
 - (8) under an approved waiver of availability under AS 23.20.378 or AS 23.20.382.
- (i) If the director does not require the claimant to have a placement registration, the director shall inform the claimant that the placement registration requirement has been deferred and advise the claimant of available employment services.

CONCLUSION

Alaska Statute 23.20.378 states that to be eligible for unemployment insurance benefits a claimant must be able and available for work. Regulation 8 AAC 85.351 states that to be considered available for work, a claimant must register and post a résumé on the Division's labor exchange system (AlaskaJobs) website to be matched with available jobs. If the résumé is not posted online within seven days, the claimant is considered available for work the week the résumé is posted online.

The claimant in this case was aware of the requirement to post a résumé online within seven days of the date the initial claim application on March 10, 2026. The claimant posted a résumé online on April 18, 2026.

In Corcroft, Com. Dec. 24 0694, January 10, 2025, the Commissioner of the Department of Labor and Workforce Development held that the period of time a claimant waits to request assistance must be examined when considering eligibility for weeks before a résumé was posted:

[W]e find that a claimant who attempts to file a resume on AlaskaJobs timely and contacts the unemployment insurance office for assistance shortly after their benefits are denied under 8AAC 85.351 are eligible for benefits back to the point they first attempted to post their resume online. If the claimant contacts the division right away, one or two weeks after the denial notice is mailed, the attempt to post the resume is adequate to allow benefits retroactively. To extend the time further would require extenuating circumstances that should be considered on a case-by-case basis.

The claimant did not call for assistance sooner because he did not have cell phone services. The circumstances do not establish that the reason for the delay was a circumstance outside the claimant's control. Therefore, the claimant cannot be considered available for work in accordance with Regulation 8 AAC 85.351 for the period under review.

DECISION

The determination issued on April 21, 2026, is **AFFIRMED**. Benefits remain **DENIED** for the weeks ending March 14, 2026, through April 18, 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 May 12, 2026.



Rhonda Bunes, Appeals Officer