



APPEAL TRIBUNAL DECISION

Docket number: 26 0486 **Hearing date:** August 31, 2026

CLAIMANT:

FAITHFULLNESS HILSON
[REDACTED]

CLAIMANT APPEARANCES:

FAITHFULLNESS HILSON

DETS APPEARANCES:

NONE

CASE HISTORY

The claimant timely appealed an August 15, 2026, redetermination 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 June 12, 2026, the Division mailed a notice to the claimant's address of record, notifying her that she was required to participate in a reemployment services and eligibility assessment (RESEA) program. The notice advised the claimant to schedule and attend an in-person reemployment eligibility assessment interview and complete any assigned activities by July 3, 2026.

The claimant did not immediately receive the notice. In June 2026, the claimant changed her address, and she was unable to access her mail because she was given a key that did not work with her mailbox.

On July 6, 2026, the claimant received a new mailbox key and received the RESEA notice. The claimant made an appointment for an RESEA interview for July 22, 2026. She did not schedule an earlier appointment because she was busy at the time attending medical appointments related to her pregnancy, such as ultrasounds and getting bloodwork done. The claimant attended about four appointments, most of them lasted one to two hours, and one lasted three hours.

The claimant rescheduled her appointment because she did not realize the appointment was in-person and she was having issues finding transportation. The claimant made a new appointment for August 10, 2026, which she attended and completed.

The claimant was able to get to the job center using public transportation. She stated that she was unable to afford public transportation until that date. The claimant stated that she was still able to accept full-time work despite her medical appointments and transportation issues. She stated that if she had received a job offer, she would have found some way to get to the job.

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's mailbox issues caused her to not receive the notice informing her to participate in the RESEA until after the deadline. The claimant's issues with her mail were a circumstance beyond her control. Therefore, the claimant can be considered available for work during the week ending July 4, 2026.

However, after the claimant was notified, she delayed completing the RESEA due to her medical appointments and transportation issues. She provided that she could have begun a job at the time. It stands to reason if the claimant was able to begin working, then she could have attended an RESEA interview. The claimant has not established that circumstances beyond her control caused her to delay completing the RESEA. Therefore, the claimant cannot be considered available for work during the weeks ending July 11, 2026, through August 8, 2026.

DECISION

The determination issued on August 15, 2026, is **MODIFIED**. Benefits are **ALLOWD** for the weeks ending July 4, 2026, if the claimant is otherwise eligible. Benefits are **DENIED** for the weeks ending July 11, 2026, through August 8, 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 September 2, 2026.


Justin Karaffa, Appeals Officer