ALASKA DEPARTMENT OF LABOR
AND WORKFORCE DEVELOPMENT
DIVISION OF EMPLOYMENT AND TRAINING SERVICES
P.O. BOX 241767
ANCHORAGE, ALASKA 99524

APPEAL TRIBUNAL DECISION

Docket number: 26 0556 **Hearing date:** October 5, 2026

CLAIMANT:

SAMANTHA CASTEEL
[redacted]

CLAIMANT APPEARANCES:

SAMANTHA CASTEEL

DETS APPEARANCES:

NONE

CASE HISTORY

The claimant timely appealed a September 17, 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 26, 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 17, 2026, or benefits would be denied. The claimant did not receive the notice. She had no issues with mail delivery but reviewed all the mail she received from the unemployment office, and she was unable to find the notice.

On July 5, 2026, the Division sent an email message to the claimant also advising her of the registration requirements. The claimant did not see the email message. Although she reported to the Division that she wanted to receive email messages, she was not able to access her email at the time.

On July 21, 2026, the Division mailed a second notice reminding the claimant to complete the RESEA, which the claimant received. She attempted to contact her local job center to schedule an appointment, but she was unable to reach a representative.

On August 5, 2026, the claimant contacted the unemployment office. A representative advised her that it would be best to go to the job center in person for scheduling and her benefits would remain denied until she completed the program.

The claimant did not go to the job center in person because she preferred calling. The claimant also does not have her own transportation. She relies on her father to driver her places, and he is often busy caring for the claimant's disabled mother. The claimant prefers not to take public transportation unless it is absolutely necessary.

The claimant continued calling the job center until August 20, 2026, when she reached a job center staff member. The claimant scheduled the next available appointment for 1:00 p.m. on September 2, 2026.

Around noon on September 2, 2026, the claimant's mother had a medical emergency. Her father, who was going to drive the claimant to the RESEA appointment, had to take her mother to the hospital. The claimant did not have enough time to walk to the nearest bus station and get to the appointment on time, and she had no money to take a rideshare or taxi.

The claimant rescheduled to the next available appointment for September 15, 2026, which she completed that day.

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.

Although the claimant did not receive the initial notice advising her about the RESEA, she was also notified by email. The claimant's inability to access her email is not a circumstance beyond her control, especially considering she reported to the Division she wanted to receive email messages. After she received the second notice, the claimant had difficulty reaching the job center. However, she was advised to go to the job center in person. She has not established that she was prevented from going to the job center due to any circumstance beyond her control. Therefore, the claimant cannot be considered available for work during the weeks ending July 18, 2026, through August 15, 2026.

However, when the claimant contacted the job center on August 20, 2026, there were no appointments available until September 2, 2026. The claimant missed that appointment due to her mother's medical emergency. When she rescheduled there were again no available appointments until September 15, 2026. A lack of available appointments and the medical emergency are circumstances beyond the claimant's control. Therefore, the claimant can be considered available for work beginning the week ending August 22, 2026.

DECISION

The determination issued on September 17, 2026, is **MODIFIED**. Benefits are **DENIED** for the weeks ending July 18, 2026, through August 15, 2026. Benefits are **ALLOWED** beginning the week ending August 22, 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 October 7, 2026.

[redacted]
Justin Karaffa, Appeals Officer