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**APPEAL TRIBUNAL DECISION**

**Docket Number:** 20 0390 **Hearing Date:** May 12, 2020

**CLAIMANT: EMPLOYER:**

TISA BECKER JUNEAU CITY & BOROUGH SCHOOL

**CLAIMANT APPEARANCES: EMPLOYER APPEARANCES:**

Tisa Becker Cherish Hansen

Tim Bauer

#### CASE HISTORY AND FINDINGS OF FACT

The claimant filed an appeal against a March 13, 2020 determination that denied unemployment benefits under AS 23.20.379 on the ground that the claimant voluntarily left employment without good cause. The Division mailed the determination to the claimant’s address of record on March 16, 2020. The claimant filed an appeal on April 23, 2020, bringing forth the issue of timeliness of the appeal.

The claimant received the determination. She considered the letter to be vague. She provided no reason for not contacting the Division about the vagueness of the letter of determination or to get more information about the determination. She contacted the Division after several weeks of not receiving benefits. She filed her appeal on Thursday, April 23, 2020.

#### PROVISIONS OF LAW

**AS 23.20.340. Determination of claims.**

(e) The claimant may file an appeal from an initial determination or a redetermination under (b) of this section not later than 30 days after the claimant is notified in person of the determination or redetermination or not later than 30 days after the date the determination or redetermination is mailed to the claimant’s last address of record. The period for filing an appeal may be extended for a reasonable period if the claimant shows that the application was delayed as a result of circumstances beyond the claimant’s control.

(f) If a determination of disqualification under AS 23.20.360, 23.20.362, 23.20.375, 23.20.378 ‑ 23.20.387, or 23.20.505 is made, the claimant shall be promptly notified of the determination and the reasons for it. The claimant and other interested parties as defined by regulations of the department may appeal the determination in the same manner prescribed in this chapter for appeals of initial determinations and redeterminations. Benefits may not be paid while a determination is being appealed for any week for which the determination of disqualification was made. However, if a decision on the appeal allows benefits to the claimant, those benefits must be paid promptly.

**8 AAC 85.151 provides in part;**

1. An appeal may be filed with a referee, at any employment center, or at the central office of the division and, if filed in person, must be made on forms provided by the division. An appeal must be filed within 30 days after the determination or redetermination is personally delivered to the claimant or not later than 30 days after the date the determination or redetermination is mailed to the claimant’s last address of record. The 30-day time period will be computed under Rule 6 of the Rules of Civil Procedure. However, the 30-day period may be extended for a reasonable time if the claimant shows that the failure to file within this period was the result of circumstances beyond his or her control.

#### CONCLUSION

An appellant has the burden to establish some circumstance beyond the appellant’s control prevented the timely filing of the appeal.

*It is the claimant's responsibility to thoroughly read all information provided to him by the division so that he will have the necessary knowledge needed to properly handle his claim.* Demit, Comm. Dec. 87H-EB-099, May 1, 1987.

The claimant’s reason for delaying her appeal is that the determination was vague. The determination stated that she was denied benefits and provided appeal rights. Her failure to read and understand or to contact the Division for an explanation was within her control.

Therefore, the claimant’s appeal cannot be held to be timely filed.

#### DECISION

The claimant’s appeal from the notice of determination issued on March 13, 2020 is **DISMISSED**.

#### APPEAL RIGHTS

This decision is final unless an appeal is filed 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 appeal rights and procedures is enclosed.

Dated and mailed on May 12, 2020.

Tom Mize

Appeals Officer