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**APPEAL TRIBUNAL DECISION**

**Docket Number:** 21 0632 **Hearing Date:** September 7, 2021

**CLAIMANT:**

PETER DEREN

**CLAIMANT APPEARANCES:**

Peter Deren

**CASE HISTORY**

The claimant timely appealed a March 15, 2021 determination which denied benefits under AS 23.20.045 and 8 AAC 85.104. The issue before the Appeal Tribunal is whether the claimant timely provided information as required.

**FINDINGS OF FACT**

The claimant established a claim for unemployment insurance benefits effective August 23, 2020. The claimant was deferred from the requirement to register for work in the Division’s work registration system until December 21, 2020. The Division notified the claimant on January 4, 2020 that he was required to register for work by contacting the Division by telephone.

The claimant received the notification and attempted to contact the Division by telephone on several occasions in January. He was not able to get through due to the number of calls. He was not receiving benefits. He ceased to attempt to get through to the Division and ceased to file claim certifications following his filing for week ending February 7, 2021.

The claimant attempted to reach the Division on March 1, 2021. The representative was not able to determine the reason the claimant was not receiving benefits. She took claims for the weeks ending February 13, 2021 and February 20, 2021. She instructed the claimant to file certification for the week ending February 27, 2021. The claimant followed the instructions.

The claimant did not receive benefits and contacted the Division the following week on March 8, 2021. He spoke to a different representative on this date. He was again told that it could not be determined the reason that he was not receiving benefits. The representative told him to keep filing. He did not receive benefits the following week. He called the Division again and left a call back number.

A representative called him on or about March 12, 2021. At that time the representative determined the reason for the denial was due to his deferment date expiring. He was given a new deferment date of May 29, 2021.

**PROVISIONS OF LAW**

**AS 23.20.375. Filing Requirements.**

(a) An insured worker is entitled to receive waiting-week credit or benefits for a week of unemployment for which the insured worker has not been disqualified under [AS 23.20.360](http://www.legis.state.ak.us/basis/folioproxy.asp?url=http://wwwjnu01.legis.state.ak.us/cgi-bin/folioisa.dll/stattx14/query=%5bJUMP:'AS2320360'%5d/doc/%7b@1%7d?firsthit), 23.20.362, 23.20.378 - 23.20.387, or 23.20.505 if, in accordance with regulations adopted by the department, the insured worker has

(1) made an initial claim for benefits; and

(2) for that week, certified for waiting-week credit or made a claim for benefits.

**8 AAC 85.104. Claims filing: claimant responsibilities**

(a) A claimant shall provide the division with timely, accurate, and complete information to determine or reexamine the claimant's eligibility for any claim under this chapter. The claimant shall provide information on eligibility

(1) when filing an initial claim;

(2) when requested by the division in order to evaluate a series of continued claims;

(3) in response to a claim audit conducted by the division or its representative; or

(4) when moving to a new location.

(b) The division will not allow benefits or waiting week credit for a week if the claimant has refused to provide the division with timely, accurate, and complete information on which to base a determination of eligibility.

**8 AAC 85.351. Claims filing: registration for work**

(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;

**CONCLUSION**

The claimant ceased to attempt to reach the Division after several attempts. He stopped filing claim certifications after not receiving benefits for several weeks. Several weeks later he attempted to reach the Division and did on March 1, 2021. It is unfortunate that it took several more weeks to determine why the claimant was not receiving benefits. However, the Division backdated the deferment to being effective that the claimant first made contact.

The claimant’s failure to continue to attempt to reach the Division was within his control. He stopped attempts and then tried after several weeks to reach the Division. He reached the Division on March 1, 2021. The Tribunal cannot hold that the claimant made continuous attempts to reach the Division and allow eligibility. The correct date to end the denial due to the ending of the deferment is the week that he made contact.

**DECISION**

The determination issued on March 15, 2021 is **AFFIRMED**. Benefits are denied for the weeks ending December 26, 2020 through February 27, 2021.

**APPEAL RIGHTS**

This decision is final unless an appeal is filed to the Commissioner of Labor and Workforce Development in writing 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 8, 2021.

Tom Mize

Appeals Officer