



APPEAL TRIBUNAL DECISION

Docket number: 21 1299 **Hearing date:** January 3, 2022

CLAIMANT:

JILL BROWN

CLAIMANT APPEARANCES:

Jill Brown

DETS APPEARANCES:

None

CASE HISTORY

The claimant timely appealed a June 30, 2021 determination which denied benefits under AS 23.20.375. The issue before the Appeal Tribunal is whether the claimant met the filing requirements.

FINDINGS OF FACT

The claimant filed weekly claim certifications using the Division's online filing system. She filed each week up through the week ending June 7, 2021, within seven days after the week claimed. Several times, she filed on Saturdays, which was the last day to file each week and remain timely. For the week ending June 12, 2021, the Division record shows there was no certification processed between June 13, 2021 and June 19, 2021. The claimant filed on June 20, 2021, which was the eighth day after the week ending June 12, 2021.

The claimant believed she filed timely for the week ending June 12, 2021. However, she did not record her confirmation dates or keep track of the specific days she filed her claim. She did not check her account regularly to make sure her benefits were processed.

The claimant did not realize she had not been paid for the week ending June 12, 2021, until she checked her bank account at some later date. She realized there was no deposit for that week. She then went online to check her filing status and noticed the week ending June 12, 2021, did not show as being filed. The claimant believed she tried calling the unemployment office several times

but was unable to get through to the number until June 28, 2021. She cannot recall the dates she called, she believed it must have been the week after June 12, 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, 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 85.102 Intrastate filing: continued claims

(a) An intrastate claimant located in this state is eligible for waiting week credit or benefits for a week if the claimant

- (1) files a continued claim for the week as required in this section; and
- (2) meets all requirements of AS 23.20 and this chapter.

(b) A claimant shall file a continued claim with an unemployment insurance claim center of the division by

- (1) an electronic means designated by the director;
- (2) telephone; or
- (3) mail, with the prior approval of the director.

(c) A continued claim for a week is filed when an unemployment insurance claim center of the division receives a certification for a continued claim.

(d) The filing date of a continued claim filed by mail is the postmark date of the mailing of the completed claim form.

(e) The date of filing of a continued claim filed by telephone is the date that the claimant accesses the telephone filing system and provides claim information for the week using the claimant's personal identification number.

(f) For each week claimed, the claimant shall answer specific eligibility questions and shall certify to the truthfulness and completeness of the answers.

- (g) A continued claim for a week may not be filed before the end of the week claimed. A continued claim may not be filed later than seven calendar days after the end of the week claimed, except that
- (1) if the director authorizes the filing of bi-weekly claims, the claim may not be filed later than seven days after the end of the bi-weekly period authorized by the director;
 - (2) a claim for benefits for a week of partial unemployment may not be filed later than seven days after the claimant receives wages for that week.
- (h) The director shall extend the time allowed in (g) of this section for filing a continued claim if the claimant has good cause for filing a late claim and the claimant files the claim as soon as possible under the circumstances.
- (i) For the purposes of (h) of this section, "good cause" means circumstances beyond a claimant's control that the division determines leave the claimant with no reasonable choice but to delay filing the claim; "good cause" includes illness or disability of the claimant, processing delays within the division, or failure of the division to provide sufficient or correct information to the claimant in order to file a continued claim.

CONCLUSION

8 AAC 85.102(g)(1) states that a continued claim for a week may not be filed before the end of the week claim or filed later than seven calendar days after the end of the week.

Neither the Appeal Tribunal nor I have any jurisdiction to hold contrary to the clear wordage of the law." Scott, Comm'r Dec. 87H-EB-162, June 18, 1987.

There was nothing to establish the claimant filed her claim certification between June 13, 2021 and June 19, 2021. She filed a claim certification on June 20, 2021, which was too late to be considered timely for the week ending June 12, 2021. Forgetting to file is not a circumstance beyond the claimant's control and does not meet the definition of good cause as defines in 8 AAC 85.102(i).

DECISION

The determination issued on June 30, 2021 is **AFFIRMED**. Benefits remain **DENIED** for the weeks ending June 12, 2021.

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 January 4, 2022.

Kimberly Westover

Kimberly Westover, Appeals Officer