**APPEAL TRIBUNAL DECISION**

**Docket number:** 21 2128 **Hearing date:** April 27, 2022

**CLAIMANT:**

SHERI CARR

**CLAIMANT APPEARANCES: DETS APPEARANCES:**

Sheri Carr None

 **CASE HISTORY**

The claimant timely appealed an October 28, 2021 redetermination which denied benefits under AS 23.20.378 and 8 AAC 85.350-351. The issue is whether the claimant met the registration requirements in order to be considered available for full-time work.

 **FINDINGS OF FACT**

On October 6, 2021, the claimant established a claim for unemployment insurance benefits from the Division Extended Benefit (EB) program effective September 19, 2021. The claimant was advised by the Division representative who took her claim that she was required to post a résumé on the Division’s AlaskaJobs website within seven days, or benefits would be denied.

The claimant immediately attempted to post a résumé on the Division’s website, but her previously created password was not accepted by the website. The claimant made numerous attempts to re-set her password according to instructions on the website. The website advised the claimant it would send a verification code to her email, but the claimant never received the code. The claimant tried to contact the Division by phone but was repeatedly advised by the phone system that her call could not be accepted due to the volume of calls being received. When the claimant’s call was accepted and she left her number to be called, she did not receive a call back. The claimant sent an email message to the Division on October 17, 2021, which resulted in the claimant being assisted with her password on October 23, 2021 and she was able get her résumé posted online on that date.

 **PROVISIONS OF LAW**

**AS 23.20.378 provides, in part:**

 (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 provides, in part:**

 (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 85.351 provides:**

(a) a claimant who files a claim for benefits in a state that acts as agent in taking claims for benefits held by this state shall register for work in accordance with the statutes, regulations, and procedures of the state in which the claim is filed.

(b) a claimant who files for benefits in this state shall register for work as required by AS 23.20 and this section. A claimant shall register for work

 (1) repealed 3/4/2006;

(2) in person or by mail at the employment service office of the division that is nearest the claimant’s residence;

(3) by telephone, if permitted by the director; or

(4) at the department’s website by electronic means, if available from the division.

 (c) The director shall find that a claimant is not available for work for any week ending before completion of a placement registration for work. To be considered available for work from the date of the initial claim, a claimant must complete a placement registration within seven days after filing the initial claim. If the placement registration is not completed within seven days, the claimant is considered available for work the week the placement registration is completed.

(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;

(2) unemployed due to a labor dispute;

(3) traveling immediately following the filing of the initial claim, for the purpose of relocating outside of this state; upon arrival in the new area of residence, the claimant shall register for work as required in (a) of this section;

(5) normally hired through a trade union, if the union furnishes information when requested by the director to verify the claimant's current membership and eligibility for dispatch;

(8) under an approved waiver of availability under AS 23.20.378 or AS 23.20.382.

(i) If the director does not require the claimant to have a placement registration, the director shall inform the claimant that the placement registration requirement has been deferred and advise the claimant of available employment services.

# CONCLUSION

Alaska Statute 23.20.378 requires that a claimant be able to work and available for work in a week in order to be eligible for benefits for a week of unemployment. Regulation 8 AAC 85.351 provides that to be considered available for work, a claimant must register and post a résumé on the Division’s AlaskaJobs website that can be matched with available jobs. If the résumé is not posted online within seven days, the claimant is considered available for work the week the résumé is posted online.

The claimant’s testimony was straightforward and credible. The claimant attempted to post her résumé on the Division’s website immediately after she was advised to do so. The Division’s computer system would not accept the claimant’s password and would not allow her to re-set it. Because of the volume of calls to the Division during this period, the claimant was unable to get assistance with her password until October 23, 2021.

In Ward Com. Dec. No. 06 1433, September 27, 2006:

*The Commissioner held a credible claimant complied with ALEXsys registration requirements and was allowed benefits where "The claimant could not recall if, when he created his first résumé, the program advised him that the résumé had been saved to ALEXsys. His testimony during the hearing was straightforward and confident. We believe that he did in fact prepare his résumé as instructed and for some unknown reason it was not saved properly to ALEXsys."*

The Appeal Tribunal holds the claimant in this case took action to meet the Division’s registration requirements immediately after being advised of the requirement. The delays in posting her résumé online were due to circumstances outside the claimant’s control. The Tribunal finds the claimant may be considered to be available for work during the period under review.

 **DECISION**

The redetermination issued on October 28, 2021 is **REVERSED**. Benefits are **ALLOWED** for the week ending October 16, 2021, 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 May 5, 2022.

 Rhonda Buness, Appeals Officer