



APPEAL TRIBUNAL DECISION

Docket number: 22 0312 **Hearing date:** April 27, 2022

CLAIMANT APPEARANCES:

Jeanette Yuman

DETS APPEARANCES:

None

CASE HISTORY

The claimant timely appealed a March 15, 2022 determination which denied benefits under AS 23.20.378 and 8 AAC 85.350-351. The issue is whether the claimant met the registration requirements of the regulation in order to be considered available for full-time work.

FINDINGS OF FACT

On February 22, 2022, the claimant established a claim for unemployment insurance benefits effective February 20, 2022. At the time of filing her new claim, the claimant was advised of the requirement to post a résumé on the Division's AlaskaJobs website, within seven days, or benefits would be denied.

The claimant was also advised that in 2021, someone had filed a fraudulent unemployment insurance claim using the claimant's information. As a result of the fraudulent claim, the claimant's MyAlaska account was locked by the Division. The Division representative provided instructions to the claimant, including telephone numbers and email address for claimant to provide proof of her identity that would permit the Division to unlock the claimant's MyAlaska account. This, in turn, would then allow the claimant to access AlaskaJobs and complete the registration requirements.

On February 22, 2022, immediately following her call to the unemployment claim center, the claimant began the process of establishing her identity in order to get her MyAlaska account unlocked. The claimant called the phone numbers provided to her, emailed proof of her identity, and went in person to the Nome Job Center to seek assistance with registering for work. Upon arriving at the Nome Job Center, she found a notice on the door that advised the Job Center is closed until further notice. The claimant called Fairbanks, Juneau, and Anchorage Job Centers in an effort to obtain assistance.

In the days that followed, the claimant called the unemployment insurance office, reached out to MyAlaska tech support, sent emails and called the Job Center phone numbers in an effort to get access to her accounts. Once MyAlaska was available, the claimant found she was still unable to access AlaskaJobs.

On March 9, 2022, the claimant received a return call from a Job Center representative who assisted her in registering for work through AlaskaJobs and posting her résumé online in that system.

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

The regulation above provides that to be considered available for work, a claimant must register for work and post a résumé online on the AlaskaJobs website within seven days after filing the initial claim. 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 in this case was aware of the requirement to register for work and post a résumé online within seven days of the date the initial claim application date and made every effort to follow through in AlaskaJobs and complete all requirements, to the best of her ability.

The claimant's testimony was straightforward and credible. The claimant encountered a difficult situation, as someone had previously filed a fraudulent

claim on her behalf. The subsequent safety measures, including locking her MyAlaska account, and the substantial efforts to prove her identity and regain access caused a delay in meeting registration requirements. These circumstances were outside the claimant's control.

The Appeal Tribunal holds the claimant in this case met reporting requirements as soon as could reasonably be expected. The claimant may be found to be available for work under Regulation 8 AAC 85.351, above.

DECISION

The determination issued on March 15, 2022 is **REVERSED**. Benefits are **ALLOWED** for the weeks ending February 26, 2022 through March 5, 2022, 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 April 28, 2022.

Solara Ames

Solara Ames, Appeals Officer