



## **APPEAL TRIBUNAL DECISION**

**Docket number:** 23 0426    **Hearing date:** July 21, 2023

### **CLAIMANT:**

SOOKYUNG FUSSEY  
[REDACTED]  
[REDACTED]

### **CLAIMANT APPEARANCES:**

Sookyung Fussey

### **DETS APPEARANCES:**

None

## **CASE HISTORY**

The claimant timely appealed a June 14, 2023 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 to be considered available for full-time work.

## **FINDINGS OF FACT**

On May 26, 2023, the claimant established a claim for unemployment insurance benefits effective May 21, 2023. The claimant was advised during the application process of the requirement to register for work and post a résumé on the Division's AlaskaJobs website within seven days or benefits would be denied.

After completing her application, the claimant accessed the Division's AlaskaJobs website and attempted to log in. The website would not allow the claimant to log in and gave the claimant an option to send an email to request assistance, which the claimant did. The claimant received a response that directed her to call the Job Center. The claimant called and left voice messages twice, but she was not called back. The claimant called the Division's claim center three times and each time she was transferred to the Job Center and got voice mail. The fourth time the claimant called the claim center, she was advised to go to the Job Center in person for assistance.

The claimant went to the Job Center that day, but it was very busy and close to closing time, so the claimant could not be helped. She went back the next business day, June 13, 2023 and was assisted to access her account on the Division's website. The claimant posted her résumé on the website that day.

The next day, she called to check that she had met the registration requirements, and she was advised she had to take an additional step and select to have the résumé available to Division staff and employers. The claimant took that action and her résumé met the Division's requirements on June 14, 2023.

### **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 complete a résumé on the Division's AlaskaJobs website on the day she established her initial claim, however she was unable to log in for some reason. The claimant followed instruction provided on the website to get assistance and made numerous calls and she was not helped until she went in person to a Job Center for the second time. The claimant posted her résumé and made it available to Division staff and employers as soon as she was able to do so.

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."*

In Ward, the Commissioner refers to the Division's work registration website as ALEXsys, however the Division currently uses a website referred to as "AlaskaJobs" to meet the registration requirements of regulation 8 AAC 85.351.

The Appeal Tribunal holds the claimant in this case met registration requirements as soon as could reasonably be expected. The claimant was available for work during the period under review.

### **DECISION**

The determination issued on June 14, 2023 is **REVERSED**. Benefits are **ALLOWED** for the weeks ending May 27, 2023 through June 10, 2023, 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 July 26, 2023.



Rhonda Bunes, Appeals Officer