



**APPEAL TRIBUNAL DECISION
CORRECTED (Hearing date)**

Docket number: 23 0520 **Hearing date:** August 18, 2023

CLAIMANT:

TONI SIRLES
3107 W 33RD AVE APT 2
ANCHORAGE AK 99517

CLAIMANT APPEARANCES:

Toni Sirles

DETS APPEARANCES:

None

CASE HISTORY

The claimant timely appealed a July 20, 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 June 16, 2023, the claimant established a claim for unemployment insurance benefits that was effective June 11, 2023. At the end of the new claim application, the claimant was instructed to post a resume on the Division's AlaskaJobs website, within seven days, or benefits would be denied¹. The claimant was confused by all the instructions and did not realize she needed to update and repost her resume to AlaskaJobs.

On July 3, 2023, the claimant received a notice in the mail indicating her benefits were denied due to her resume not being posted on AlaskaJobs. The same day, the claimant contacted the Alaska Job Center for assistance, but staff told her they had nothing to do with unemployment insurance.

The claimant then accessed AlaskaJobs updated her resume and believed she had posted her resume online as required. However, she received another

¹ Exhibit 1, page 10

notice in the mail on or about July 15, 2023, indicating her benefits were still denied.

The claimant has been utilizing the services of the job center since she lost her job. She makes in person visits regularly to attend various trainings, resume assistance and to inquire on other opportunities to help her find work. On July 17, 2023, the claimant met with a job center staff person named Alex for assistance on another matter. During the meeting, the claimant asked him to help with her resume because her unemployment benefits kept being denied. Alex assisted the claimant with posting her resume online. He indicating the claimant had done everything successfully, but the resume was not showing online, which he fixed at that time.

The claimant was very frustrated, she felt like when she asked the unemployment office for assistance, she was told to call the Job Center. When she called the Job Center, she was told they had nothing to do with unemployment insurance and to call the claim center.

The claimant admits it was partially her fault for not checking her resume right away. However, she feels she would have received benefits earlier if someone from either the unemployment office or the job center would have taken the time to help her instead of telling her to call somewhere else.

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.

CONCLUSION

Alaska Statute 23.20.378 requires that a claimant be able to work and available for work 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.

The claimant in this case was provided instruction on posting her resume on the new claim application she completed on June 16, 2023. The claimant did not fully understand the instructions, but she took no action to access AlaskaJobs at that time.

However, on July 3, 2023, the claimant began requesting assistance from both the unemployment office and the JobCenter. When she was unable to get assistance, she accessed AlaskaJobs and believed she fulfilled the resume requirements.

The claimant's testimony was straightforward and credible. The claimant believed the proper form and procedure was followed to complete a résumé on the Division's website on July 3, 2023.

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

The Commissioner held a credible claimant complied with ALEXsys² 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 met registration requirements on July 3, 2023.

DECISION

The determination issued on July 20, 2023 is **Modified**. Benefits are **denied** for the weeks ending June 17, 2023 through July 1, 2023. The claimant's benefits are allowed beginning with the week ending July 8, 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 August 18, 2023.

Kimberly Westover

Kimberly Westover, Appeals Officer

² AlaskaJobs replaced the old ALEXsys program.