



APPEAL TRIBUNAL DECISION

Docket number: 24 0005 **Hearing date:** January 23, 2024

CLAIMANT:

JAMES WILLIAMS
[REDACTED]
[REDACTED]

CLAIMANT APPEARANCES:

James Williams

DETS APPEARANCES:

None

CASE HISTORY

The claimant timely appealed a December 30, 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 December 7, 2023, the claimant established a claim for unemployment insurance benefits effective December 3, 2023. The claimant was advised at the end of the Division's online claim application that he was required to register for work and post a résumé on the Division's AlaskaJobs website. The claimant was required to check a box indicating he had read the advisement:

Based on the information provided you must register, create, and post a resume online in the AlaskaJobs. If you have already posted your resume in AlaskaJobs, it is your responsibility to verify your resume information is up-to-date and online for employers and division staff to refer you to available jobs. Failure to comply with this requirement within 7 days will result in the denial of your UI benefits.

On December 8, 2023, the Division mailed the claimant a notice regarding the requirement to post a résumé online. The claimant recalled he had posted a résumé on the Division's website in the past. The Division's documents in the record show the claimant's last résumé posted on the website had expired November 20, 2018. At the time he established his claim, the claimant believed his résumé was still posted as required. He did not access the résumé at that

time to verify its status. The claimant believed that since he could log into the Division's website and file for benefits that his claim must be in order.

About two weeks after he filed for benefits, the claimant received a notice by mail advising him that his benefits were denied because he had not met the Division's requirements to post his résumé. The claimant attempted to access the AlaskaJobs website and he was unable to log in with the information he recalled from his previous experience with the Division's website. The claimant called the Division for assistance between December 24, 2023 and December 30, 2023. The representative who assisted the claimant was unable to assist him with re-setting his login credentials by phone during a long call. The representative did update and post the claimant's résumé online for him while on the phone. The claimant was advised to come to the Job Center in person to get further assistance with his login credentials.

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 in this case was advised of the requirement to post a résumé online within seven days of the date the initial claim application date on December 7, 2023. The claimant did not attempt to update his resume, which

had been expired for five years, until he received a notice that his benefits were denied. In the week ending December 30, 2023 the claimant attempted to access his resume and he was unable to log in to the Division's AlaskaJobs website. The claimant called the Division and a representative assisted him to update and post his resume by phone.

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

The circumstances do not establish that the reason for the delay in posting the résumé was out of the claimant's control. Therefore, the claimant cannot be considered available for work in the period under review in accordance with Regulation 8 AAC 85.351, above.

DECISION

The redetermination issued on December 30, 2023 is **AFFIRMED**. Benefits remain **DENIED** for the weeks ending December 9, 2023 through December 23, 2023.

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 26, 2024.



Rhonda Bunes, Appeals Officer