



APPEAL TRIBUNAL DECISION

Docket number: 24 0520 **Hearing date:** August 6, 2024

CLAIMANT:

EMILY WEECH



CLAIMANT APPEARANCES:

EMILY WEECH

DETS APPEARANCES:

None

CASE HISTORY

The claimant timely appealed a June 13, 2024, 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 April 27, 2024, the claimant reopened her unemployment claim effective April 14, 2024. The claimant read and understood the requirement to register for work and post a résumé on the Division's AlaskaJobs website within seven days or benefits would be denied.

On May 3, 2024, the claimant posted a resume to AlaskaJobs and believed she had met the registration requirements. About one week later, her benefits were denied, and she sought assistance by calling the unemployment insurance claim center. A Division representative told the claimant she needed to place her resume online, and the claimant took the word "online" literally thinking that it meant to put a resume on the AlaskaJobs website, which she had already done. When she told the representative that she already placed a resume online the representative said since she had the issue would be resolved.

The claimant was under the impression that the delay in her payments was a normal function of the unemployment process, and she simply had to wait for the unemployment office to resolve issues on their end. The claimant called several times and was told by Division staff that her resume was online. The claimant called again on June 12, 2024, and she was told by Division staff that

her resume was posted, but not online. The claimant was transferred to an individual who assisted her in placing her resume online.

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 believed the proper form and procedure was followed to complete a résumé on the Division's AlaskaJobs website on May 3, 2024. As soon as the claimant was informed her resume was not posted "online," she immediately sought assistance in getting her resume posted as required.

Therefore, the Appeal Tribunal holds the claimant met the 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 13, 2024, is **REVERSED**. Benefits are **ALLOWED** beginning the week ending April 20, 2024, 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 7, 2024.



Justin Karaffa, Appeals Officer