

State of Wisconsin



Labor and Industry Review Commission

**Debra J. Reynolds**  
Claimant

**Unemployment Insurance  
Decision<sup>1</sup>**

Hearing No. 20200850MW

**Dated and Mailed:**

August 21, 2020  
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The commission **reverses** the appeal tribunal decision. Accordingly, the claimant is eligible for benefits in weeks 13 through 15 of 2020, if otherwise qualified.

By the Commission:

/s/  
Michael H. Gillick, Chairperson

/s/  
David B. Falstad, Commissioner

/s/  
Georgia E. Maxwell, Commissioner

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<sup>1</sup> **Appeal Rights:** See the blue enclosure for the time limit and procedures for obtaining judicial review of this decision. If you seek judicial review, you **must** name the following as defendants in the summons and the complaint: the Labor and Industry Review Commission, all other parties in the caption of this decision or order (the boxed section above), and the Department of Workforce Development. Appeal rights and answers to frequently asked questions about appealing an unemployment insurance decision to circuit court are also available on the commission's website, <http://lirc.wisconsin.gov>.

### **Procedural Posture**

This case is before the commission to consider the claimant's eligibility for unemployment insurance benefits. An administrative law judge (ALJ) of the Unemployment Insurance Division of the Department of Workforce Development held a hearing and issued a decision. The commission received a timely petition for review. The commission has considered the petition, and it has reviewed the evidence submitted at the hearing.

### **Findings of Fact and Conclusions of Law**

1. The claimant opened a claim for unemployment benefits that began in calendar week ending March 28, 2020 (week 13).
2. Shortly after starting her claim, the claimant received instructions notifying her that no unemployment benefits would be paid until she "**Immediately**" made "at least 4 work search actions each week" she filed a claim. The instructions also informed her that "**By 04/04/2020, you must register for work...**" with the Wisconsin Job Service.
3. The claimant was aware that the work search was waived as a result of the pandemic. The claimant did not know that she was required to register for work because the reason she was unemployed was that the employer she was working for closed because of the pandemic.
4. The claimant registered for work on April 13, 2020 (week 16).
5. The claimant failed to register for work in weeks 13 through 15 of 2020, but the work registration requirement is waived within the meaning of Wis. Stat. § 108.04(2) and Wis. Admin. Code § DWD 126.03(7).

### **Memorandum Opinion**

To be eligible for benefits in a week, a claimant must register for work unless the work registration requirement is waived.<sup>2</sup> The department may waive the work registration requirement if the claimant was summoned to serve as a prospective or impaneled juror; is enrolled in and is satisfactorily participating in approved training, a work share program, a self-employment assistance program, or another state or federally-enacted program that waives the work search requirement; or was unable to register due to circumstances the department determines were beyond the claimant's control. The department may also waive the work registration requirement if the claimant has been laid off, but has a reasonable expectation of returning to work for his or her employer within 8 weeks, which may be extended an additional 4 weeks, or beginning new work within 4 weeks, or the claimant normally obtains work through a union referral.<sup>3</sup>

The claimant in the present case believed she was not required to register for work because of the pandemic. The work search requirement was waived because of the

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<sup>2</sup> Wis. Stat. § 108.04(2)(a)2. and (b).

<sup>3</sup> Wis. Admin. Code § DWD 126.03.

pandemic. The department's instructions told the claimant, incorrectly, to immediately perform the work search. The instructions also indicated no benefits would be paid until she registered for work. The commission concludes that the claimant reasonably misunderstood the work registration requirement. Given the circumstances of this case, the claimant's failure to register for work was due to circumstances beyond her control.