

State of Wisconsin



Labor and Industry Review Commission

**Katie E. Treu**  
Claimant

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

Hearing No. 20601752MW

**Dated and Mailed:**

August 21, 2020  
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The commission **reverses** the appeal tribunal decision. Accordingly, benefits are allowed as of week 12 of 2020, if the claimant is 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 on March 20, 2020 (week 12).
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 04/02/2020, 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claimant therefore believed that the information on the form, which instructed her to immediately search for work, was outdated.
4. The claimant did not contact the department for clarification because she was told, each time she went on the department's website, that the department was experiencing an unprecedented volume of calls to the help line and unless she received official notification from unemployment she would have to look for the answer to her question on that part of the department's website that provides COVID-19 information.
5. The claimant registered for work on April 6, 2020 (week 15).
6. The claimant failed to register for work in weeks 12 through 14 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

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

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 reasonably believed that the information provided by the department was outdated as she was aware that she did not need to perform a work search, yet the instructions told her to immediately perform the work search. The claimant was told not to contact the department's help line unless instructed to do so by the department. In this case, the claimant was not told by the department to call the help line. Given the circumstances of this case, the claimant's failure to register for work was due to circumstances beyond her control.

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