

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**ROBERT E KOETT**

Claimant

**APPEAL NO. 08A-UI-01021-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DOUBLE EAGLE GOLF INC**

Employer

**OC: 12/24/06 R: 04  
Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

871 IAC 24.1(113)A – Temporarily Unemployed

**STATEMENT OF THE CASE:**

Robert Koett filed an appeal from a decision of a representative dated January 10, 2007, reference 01, finding the claimant was no longer temporarily unemployed and therefore must actually seek work by contacting at least two employers each week. After due notice, a telephone conference hearing was held on February 18, 2008. The claimant participated. Although being notified the employer failed to respond to the hearing notice and did not participate.

**ISSUES:**

The issues in this matter are whether the claimant continued to be temporarily unemployed and whether the claimant is able and available for work.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony and considered all of the evidence in the record, finds: The claimant last worked for this employer on December 5, 2007 and was temporarily laid off as a seasonal golf worker. Mr. Koett was specifically informed by the superintendant that he would be rehired as soon as weather conditions permitted in the spring, as he had in the past with this employer. Subsequently through inaccurate information provided to Iowa Workforce Development, a representative of Double Eagle Golf Inc. apparently provided inaccurate statements regarding Mr. Koett's status. The claimant checked with the superintendent and reconfirmed that he would be reemployed by this employer as soon as weather conditions permitted in the spring of 2008.

**REASONING AND CONCLUSIONS OF LAW:**

The question before the administrative law judge is whether the evidence establishes that the claimant continues to be temporarily unemployed by this employer and whether the claimant is able and available for work. It does. The evidence in the record establishes that Mr. Koett has in the past been laid off seasonally and rehired each spring by Double Eagle Golf Inc and that the employer has made specific representations to Mr. Koett that he will again be hired in the

spring of 2008 as a seasonal golf worker. The evidence in the record establishes that the claimant is able and available for work and actively has sought work by contacting perspective employers each week that he claims benefits after being instructed to do so by Iowa Workforce Development. Although Mr. Koett has received representations from Double Eagle Golf Inc. that he will be rehired again in the spring of 2008, the requirement that he also contact other perspective employers is not unreasonable and the claimant has complied with it fully. The claimant's chances of becoming reemployed promptly are enhanced by his expanded work search. The administrative law judge does not find the requirement to be burdensome or unreasonable in this case.

871 IAC 24.23(27) provides:

(27) Failure to report on a claim that a claimant made any effort to find employment will make a claimant ineligible for benefits during the period. Mere registration at the workforce development center does not establish that a claimant is able and available for suitable work. It is essential that such claimant must actively and earnestly seek work.

For the reasons stated herein the administrative law judge concludes that although the employer in this matter has made representations to Mr. Koett that he may become seasonally reemployed in the spring of 2008, the employer has nonetheless also made statements to Iowa Workforce Development indicating that there may be some question about the claimant's being promptly employed. It is therefore reasonable for the claimant to actively and earnestly seek reemployment during the weeks that he claims unemployment insurance benefits by contacting perspective employers and reporting his contacts as required. The evidence in the record establishes that Mr. Koett has immediately complied with that requirement when warned to do so by Iowa Workforce Development and continues to do so through the time of hearing.

**DECISION:**

The representative's decision dated January 10, 2007, reference 01, is hereby affirmed. The claimant is required to actively seek work by contacting at least two employers each week that he claims benefits.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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