

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SCOTT S BANGERT**  
Claimant

**APPEAL NO. 06A-UI-11391-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CITY OF CEDAR FALLS**  
Employer

**OC: 11/05/06 R: 03**  
**Claimant: Appellant (4)**

Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

Scott Bangert filed an appeal from a representative's decision dated November 16, 2006, reference 01, which advised that he would have to seek work as he was no longer temporarily unemployed. After due notice was issued, a hearing was held by telephone on December 13, 2006. Mr. Bangert participated personally. The employer participated by Barry Haskins, Personnel Specialist.

**ISSUE:**

At issue in this matter is whether Mr. Bangert continues to be temporarily unemployed within the meaning of the law.

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Bangert was employed by the City of Cedar Falls from May 8 until November 3, 2006 as a seasonal worker. Seasonal employees have to reapply for work when the new work season begins. They are not given preferential treatment in hiring decisions. If rehired in the spring of 2007, Mr. Bangert will be considered a new employee.

**REASONING AND CONCLUSIONS OF LAW:**

Mr. Bangert was laid off by the City of Cedar Falls. An individual who is unemployed due to a temporary layoff is not required to conduct a work search. Iowa Code section 96.4(3). An individual may be considered temporarily unemployed for no more than four weeks. Iowa Code section 96.19(38)c. Mr. Bangert was laid off on November 3 and his four weeks expired on December 2, 2006. Therefore, he was required to begin actively and earnestly seeking work as of December 3, 2006. He must make at least two in-person job contacts for each week he claims.

**DECISION:**

The representative's decision dated November 16, 2006, reference 01, is hereby modified. Mr. Bangert was no longer temporarily unemployed within the meaning of the law as of December 3, 2006 and must actively and earnestly seek work for each week claimed after that date.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

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