

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STEVEN W TROTTER**  
Claimant

**APPEAL NO: 16A-UI-12529-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RING-O-MATIC INC**  
Employer

**OC: 09/11/16  
Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Steven Trotter (claimant) appealed a representative's November 16, 2016, decision (reference 03) that concluded he was not eligible to receive unemployment insurance benefits because he was employed with Ring-O-Matic (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for December 12, 2016. The claimant participated personally. The employer participated by Nick McCarrick, Accounting and Human Resources Assistant.

**ISSUE:**

The issue is 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 that: The claimant filed a claim for benefits with an effective date of September 11, 2016. He was laid off the week ending September 17, 2016, and received unemployment insurance benefits for that week. He was laid off again the week ending October 29, 2016. The claimant did not file the claim immediately because he did not read or remember the information from the Facts About Unemployment Insurance Guide regarding reactivating the existing claim during the week he was unemployed. He reported but did not reactivate his claim for benefits for the week ending October 29, 2016. He returned to work on October 31, 2016. During the week ending November 5, 2016, the claimant filed an additional claim for unemployment insurance benefits with an effective date of October 30, 2016. The claimant requests that the claim be backdated to October 29, 2016.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes the claimant is not available for other work.

Iowa Admin. Code r. 871-24.23(23) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(23) The claimant's availability for other work is unduly limited because such claimant is working to such a degree that removes the claimant from the labor market.

When an employee is employed to the extent that it removes him from the labor market, he is considered to be unavailable for work. The claimant was working for the employer starting October 31, 2016. He is considered to be unavailable for work after October 30, 2016. The claimant is disqualified from receiving unemployment insurance benefits beginning October 30, 2016, due to his unavailability for work.

**DECISION:**

The representative's November 16, 2016, decision (reference 03) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because he is not available for work.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs