

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CORINNE R SCHMITT-BRIES**  
Claimant

**APPEAL NO. 16R-UI-13792-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**JOHN DEERE CEC – DUBUQUE WORKS**  
Employer

**OC: 09/25/16**  
**Claimant: Appellant (1/R)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Corinne Schmitt-Bries (claimant) appealed a representative's October 21, 2016 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits from September 25 to October 1, 2016 from John Deere (employer). This administrative law judge issued a decision on November 22, 2016, affirming the representative's decision. A decision of remand was issued by the Employment Appeal Board on December 27, 2016. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for January 27, 2017. The claimant participated personally. The employer participated by Ryan Moode.

**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 worked for the employer from June 21, 2010, to the present. During the week ending September 24, 2016, the claimant was laid off for lack of work. The claimant filed her claim for unemployment insurance benefits with an effective date of September 25, 2016. The claimant returned to work and performed forty hours of work the week ending October 1, 2016. The claimant wishes to backdate her claim for benefits.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant was employed for the week ending October 1, 2016.

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.

The claimant was working full-time for the employer during the week ending October 1, 2016. The claimant is disqualified from receiving unemployment insurance benefits because she was not available for other work the week ending October 1, 2016.

The issue of backdating the claim is remanded for determination.

**DECISION:**

The representative's October 21, 2016, decision (reference 01) is affirmed. The claimant was not able and available for other work the week ending October 1, 2016. The issue of backdating the claim is remanded for determination.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs