

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JENNIFER M GILLASPIE**  
Claimant

**APPEAL NO. 06A-UI-11482-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PRINCIPAL LIFE INSURANCE CO**  
Employer

**OC: 06/18/06 R: 03  
Claimant: Appellant (1)**

Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

The claimant, Jennifer Gillaspie, filed an appeal from a decision dated November 21, 2006, reference 04. The decision found her ineligible for unemployment benefits. After due notice was issued a hearing was held by telephone conference call on December 14, 2006. The claimant participated on her own behalf. The employer, Principal Life Insurance Company (Principal), did not provide a telephone number where a representative could be contacted and did not participate.

**ISSUE:**

The issue is whether the claimant is able and available for work,

**FINDINGS OF FACT:**

Jennifer Gillaspie filed a claim for unemployment benefits with an effective date of June 18, 2006. Her base period wages were earned in full-time employment with Principal and with Frank Magid Associates.

Ms. Gillaspie has been under continuous care since April 2006 from Drs. Allen Witters and Jessica Schmidt for bi-polar and anxiety disorders. As of the date of the hearing she has only been released to return to work for 15 to 20 hours per week.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as

defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

In order to be considered able and available for work, the claimant must be able to work to the same extent as she was during the time her base period wages were earned. The claimant is still under treatment by her doctors and has not been released to return to work full time, only 15 to 20 hours per week. She therefore does not meet the eligibility requirements as her base period wages were earned during full-time work.

**DECISION:**

The representative's decision of November 21, 2006, reference 04, is affirmed. Jennifer Gillaspie is not able and available for work and is ineligible for benefits.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs