

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAVID A COOK**  
Claimant

**APPEAL NO. 11A-UI-01016-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GREGORY A JASPER**  
**MILL CREEK APARTMENTS**  
Employer

**OC: 11/21/10**  
**Claimant: Appellant (2)**

Section 96.5-2-a – Refusal of Suitable Work

**STATEMENT OF THE CASE:**

David A. Cook filed a timely appeal from an unemployment insurance decision dated January 21, 2011, reference 02, that disqualified him for benefits upon a finding that he had refused a suitable offer of work on December 6, 2010. After due notice was issued, a telephone hearing was held February 23, 2011 with Mr. Cook participating. The business involved in this case, Mill Creek Apartments, did not provide the name and telephone number of any witnesses.

**ISSUE:**

Did the claimant refuse a suitable offer of work?

**FINDINGS OF FACT:**

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: On December 6, 2010 Davis A. Cook declined an initial offer of employment made to him by Mill Creek Apartments. The parties continued negotiating salary. On December 27 or 28, 2010 they came to an agreement. Mr. Cook began working for Mill Creek Apartments on January 3, 2011.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the evidence establishes that the claimant refused a suitable offer of work. The evidence before the administrative law judge shows that while Mr. Cook declined an initial offer, negotiations continued and that Mr. Cook eventually accepted the offer of work from the employer. Under these circumstances, no disqualification shall be imposed.



**DECISION:**

The unemployment insurance decision dated January 21, 2011, reference 02, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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