

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NICKOLAS L WINKELS**  
Claimant

**APPEAL NO. 10A-UI-00677-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXPRESS SERVICES INC**  
Employer

**Original Claim: 11/22/09  
Claimant: Respondent (1)**

Section 96.5(1)j – Temporary Employment

**STATEMENT OF THE CASE:**

Express Services, Inc. (ESI) filed an appeal from a representative's decision dated December 31, 2009, reference 01, which held that no disqualification would be imposed regarding Nickolas Winkels' separation from employment. After due notice was issued, a hearing was held by telephone on February 24, 2010. Mr. Winkels participated personally. The employer participated by Holly Burtness, Staffing Consultant.

**ISSUE:**

At issue in this matter is whether Mr. Winkels was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Winkels began working for ESI, a temporary placement firm, in April of 2005. His last assignment was with Tops Business Forms, where he began working full-time on June 24, 2009. The assignment ended on November 20, 2009 due to lack of work. Mr. Winkels was notified over the phone by ESI on November 20 that the assignment was over. He reported to the ESI office on that same date to discuss further work, but none was available.

**REASONING AND CONCLUSIONS OF LAW:**

Mr. Winkels was hired for placement in temporary work assignments. An individual so employed must complete his last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19), (22). The parties agree that Mr. Winkels completed his last assignment. He completed the assignment on November 20 and was in contact with ESI the same day regarding further work. Because he was in contact with the temporary placement firm within three working days of the end of the assignment and no work was offered at that time, he is entitled to job insurance benefits pursuant to Iowa Code section 96.5(1)j.

It is true that Mr. Winkels has not maintained periodic contact with ESI since November 20. Although such periodic contact may be a condition for placement by ESI, it is not a condition for

the receipt of job insurance benefits. As such, no disqualification is imposed for the failure to maintain contact.

**DECISION:**

The representative's decision dated December 31, 2009, reference 01, is hereby affirmed. Mr. Winkels was separated from ESI on November 20, 2009 for no disqualifying reason. Benefits are allowed, provided he is otherwise eligible.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/kjw