

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS
ON REFERRAL BY THE COMMISSIONER OF HEALTH AND SOCIAL SERVICES**

In the Matter of)
)
 K U) OAH No. 13-0216-SNA
) DPA No.
 _____)

DECISION

I. Introduction

This case is Ms. K U's appeal of a determination by the Division of Public Assistance (DPA or Division) that she was not eligible for Supplemental Nutrition Assistance Program (SNAP) benefits because she had voluntarily quit her job.

Ms. U's hearing was held on March 13, 2013. The hearing was recorded. Ms. U attended the hearing by telephone, represented herself, and testified on her own behalf. DPA Public Assistance Analyst Terri Gagne attended the hearing in person, represented the Division, and testified on its behalf.¹

This decision concludes that, because Ms. U's illness caused her to resign from her job, it is not appropriate to impose a "job quit penalty" in her SNAP case. Accordingly, the Division's decision imposing a first time SNAP penalty, in effect denying Ms. U's March 2012 SNAP application, is OVERTURNED.

II. Facts²

Ms. U was employed by No Name Auto Parts in No Name, Alaska in January 2013. Ms. U has an anxiety disorder, for which she receives therapy and takes daily prescription medication. This medication is Citalopram, a selective serotonin reuptake inhibitor. Ms. U is supposed to take 20 to 40 milligrams of this drug every day, depending on which part of her menstrual cycle she is in. Ms. U was first aware that she was having panic attacks when she was on the job working for another retail employer. Ms. U learned of her anxiety disorder during a previous job. Her symptoms include sweating and difficulty breathing. Ms. U explained that the panic attacks have been under control since she went on the medication.

Ms. U quit her job at No Name on January 27, 2013. On January 26, 2013, the day before she quit, she began her work day under stress due to her mother having recently suffered a stroke and the extended commute from her mother's home to work. At the end of that day, Ms. U found

¹ Recording of Hearing.

² These facts are taken from Ms. U's hearing testimony unless otherwise indicated.

herself in another stressful situation. It was 50 degrees Fahrenheit below zero and her job required her to go outside where the auto-part that a customer had ordered was stored, just before she was supposed to clock out. Because she could not find this part after going out twice to look for it, she had to ask her supervisor for help. When she returned, she overheard two of her coworkers laughing and making fun of her. Ms. U confronted them and ended up telling one of them that she hoped his mother had a stroke so that he would understand how Ms. U felt.

The next day, January 27, 2013, Ms. U's work day started near lunch time. She was eating a sandwich on duty when she was called into her supervisor's office and criticized for what she had said to her fellow employee the day before. Her supervisor also told her not to eat her lunch while she was not on break. When he told her that she could eat snacks while working but not her sandwich, Ms. U asked him to explain the difference. Apparently taken aback by her confrontational tone during a disciplinary action, Ms. U's supervisor explained that she had to follow his instructions or leave. Ms. U then began to cry hysterically and felt that if she did not leave she would have a panic attack and be unable to breathe. She then went to the manager's office and informed them that she was resigning.

Ms. U applied for SNAP benefits for February 2013. The Division determined that she was not eligible for SNAP benefits for that month because she had voluntarily quit her job, and denied her application. Ms. U requested a hearing.³

III. Discussion

The SNAP, or Food Stamp program, has a work requirement. A person receiving or applying for SNAP benefits is required to be employed, looking for employment, or training for employment, unless that person is exempt from the work requirement.⁴ A person who voluntarily quits a full-time job is not eligible to receive SNAP benefits unless there was good cause for terminating the employment.⁵ A first time work requirement penalty makes an applicant ineligible for SNAP benefits for 30 days, while a second work requirement penalty makes an applicant ineligible for 90 days.⁶ The disqualification period begins on the day the job was quit.⁷

Federal Regulation 7 CFR § 273.7(i)(1)&(2) explain good cause, in part, as follows:

³ The facts in this paragraph are taken from the Agency Record.

⁴ 7 C.F.R. § 273.7(a)(1).

⁵ 7 C.F.R. § 273.7(j)(2)(i); 7 C.F.R. § 273.7(j)(3)(ii); *Alaska Food Stamp Manual* §602-1I(2)(a).

⁶ 7 C.F.R. § 273.7(f)(2)(i)(B) and (ii)(B); *Alaska Food Stamp Manual* §602-1I(2)(c).

⁷ *Alaska Food Stamp Manual* §602-1I(2)(d).

Good Cause. (1) The State agency is responsible for determining good cause when a food stamp recipient fails or refuses to comply with Food Stamp Program work requirements. Since it is not possible for the Department to enumerate each individual situation that should or should not be considered good cause, the State agency must take into account the facts and circumstances, including information submitted by the employer and by the household member involved, in determining whether or not good cause exists.

(2) **Good cause includes circumstances beyond the member's control, such as, but not limited to, illness**, illness of another household member requiring the presence of the member, a household emergency, the unavailability of transportation, or the lack of adequate child care for children who have reached age six but are under age 12. [Emphasis added.]

The evidence in the record shows that Ms. U quit as the result of breaking down emotionally when her supervisor was taking reasonable disciplinary action, that is, correcting her for saying something inappropriate to a coworker and explaining his policy on eating during work hours. If someone without an anxiety disorder had quit under these circumstances, there would not have been good cause for terminating her employment. Neither her coworkers' nor her supervisor's actions created work conditions that render continuing her employment at No Name unreasonable. However, the evidence shows that it is more likely than not that her over-reaction to both her coworkers' ridicule and her reprimand from her supervisor, were the result of her illness, namely, her anxiety disorder. Ms. U resigned in something of a panic, fearing that she would soon not be able to breathe if she did not leave.

The SNAP regulations contain a number of examples of good cause for quitting a job, such as illness, inability to obtain child care, unavailability of transportation, and unreasonable working conditions.⁸ In this case, the Division's conclusion that Ms. U had resigned without good cause is understandable. The circumstances that led to her resignation would not have caused an employee without an anxiety disorder to quit. Ms. U first indicated that she had quit merely because her boss had yelled at her. The Division correctly determined that a single instance in which a supervisor raised his voice, as described by Ms. U, would not, in itself, be good cause to resign. The information Ms. U provided at the hearing showed that her departure had more to do with her anxiety disorder being aggravated by the stress of her mother's sudden illness than her working conditions.

Accordingly, under the SNAP regulations, Ms. U did have good cause to quit. Ms. U is therefore not subject to a job quit penalty and is eligible to receive SNAP benefits.

⁸ 7 C.F.R. § 273.7(i)(2) and (3).

IV. Conclusion

The Division's decision to deny Ms. U's SNAP application is OVERTURNED.

DATED this 18th day of March, 2013.

Signed _____
Mark T. Handley
Administrative Law Judge

Adoption

The undersigned, by delegation from of the Commissioner of Health and Social Services, adopts this Decision under the authority of AS 44.64.060(e)(1), as the final administrative determination in this matter.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 16th day of April, 2013.

By: *Signed* _____
Name: Ree Sailors
Title: Deputy Commissioner, DHSS

[This document has been modified to conform to the technical standards for publication.]