

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

In the Matter of)	
)	OAH No. 14-0360-SNA
K E)	Division No.
_____)	

FAIR HEARING DECISION

I. Introduction

On February 21, 2014, the Division of Public Assistance (Division) sent K E written notice that it was imposing a first time job quit penalty which made her ineligible to receive Supplemental Nutrition Assistance Program benefits, commonly referred to as Food Stamp¹ benefits, for a one month period.²

Ms. E's hearing was held on March 25, 2014. Ms. E represented herself and testified on her own behalf. Jeff Miller, Public Assistance Analyst with the Division, represented the Division. The hearing was recorded.

The evidence shows that Ms. E quit a job, where she worked over 30 hours per week at a pay rate of \$9.25 per hour, for a lesser paying job, which was for 20 hours per week at a pay rate of \$7.75 per hour. As a result, the Division's decision to impose a first time job quit penalty against her is affirmed.

II. Facts

The following facts were established by a preponderance of the evidence.

Ms. E was working in a restaurant where she worked over 30 hours per week at a pay rate of \$9.25 per hour. That job required Ms. E to stand on her feet for long hours. Ms. E quit that job to take a different job, which did not require standing on her feet for long hours. The new job provided approximately 20 hours of work per week at a pay rate of \$7.75 per hour.

Ms. E informed the Division of her job change.³ The Division obtained information from Ms. E's previous employer and determined that Ms. E had quit her previous job. The Division then imposed a first time job quit penalty against Ms. E because she quit her job without good

¹ Congress renamed the Food Stamp program to the Supplemental Nutrition Assistance Program in 2008. Food, Conservation, and Energy Act of 2008, Public Law No. 110-246, §4001. The term "Food Stamp" is still used in regulations, manuals, and forms.

² Ex. 9.

³ Ex. 5.1.

cause. That penalty closed Ms. E's Food Stamp benefits case effective March 1, 2014 and made her ineligible to apply for Food Stamp benefits until after March 31, 2014.⁴

Ms. E testified that she quit her restaurant job due to her degenerative disc disease which made her physically unable to work at the restaurant. Ms. E was provided the opportunity to submit medical documentation that supported her testimony. She did not do so.

III. Discussion

Food Stamps is a federal program administered by the State.⁵ The Food Stamp program has a work requirement. A person who is receiving or applying for Food Stamp benefits is required to be employed, looking for employment, or training for employment, unless that person is exempt from the work requirement.⁶ As part of the work requirement, a person may “not voluntarily and without good cause” quit a job or “reduce” his or her work effort by changing his or her employment from one that pays a minimum of 30 hours per week at the federal minimum wage rate (\$7.25 per hour) to one that pays less than that minimum. A Food Stamp recipient who “reduces” his or her work effort is not eligible to receive Food Stamp benefits for a specified period of time.⁷ That ineligibility period varies depending on whether the applicant has had prior penalties imposed. The penalty for a first time job quit or reduction is one month.⁸

The undisputed evidence in this case shows that Ms. E quit a job where she worked over 30 hours a week at an hourly wage of \$9.25. She moved to a job that was for 20 hours per week at an hourly wage of \$7.75. This caused her to earn less than the Food Stamp program's requirement that her job reduction not result in wages of less than 30 hours per week at the federal minimum wage rate of \$7.25.

Ms. E, however, testified that her medical condition, specifically degenerative disk disease, required her to leave her job at the restaurant for the lower paying job that had fewer hours. However, in order to demonstrate that she was not physically able to perform her restaurant job, she was required to provide medical documentation or other “reliable information from other sources” to support her claim.⁹ Ms. E, however, did not provide any documentation or other “reliable information” showing she had degenerative disk disease to such an extent that

⁴ Ex. 9.

⁵ 7 C.F.R. § 271.4(a).

⁶ 7 C.F.R. § 273.7(a)(1).

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

⁸ 7 C.F.R. § 273.7(e)(2); *Alaska Food Stamp Manual* § 602—1K(2).

⁹ 7 C.F.R. § 273.7(h)(2)(ii).

she could not work in a restaurant standing on her feet during her work shift. As a result, the Division has met its burden of proof and demonstrated that it is more likely true than not true that Ms. E voluntarily and without good cause reduced her work effort by quitting her restaurant job, which exceeded the Food Stamp program's benchmark of 30 hours per week at federal minimum wage, to work at a different job that paid less than the Food Stamp program's benchmark of 30 hours per week at federal minimum wage. Consequently, the Division was justified in imposing a first time job quit penalty against Ms. E.

IV. Conclusion

The Division's decision to impose a first time job quit penalty against Ms. E is affirmed.

DATED this 10th day of April, 2014.

Signed _____
Lawrence A. Pederson
Administrative Law Judge

Adoption

The undersigned, by delegation from 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 24th day of April, 2014.

By: *Signed* _____
Name: Lawrence A. Pederson
Title/Agency: Admin. Law Judge, DOA/OAH

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