

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

|                  |   |                     |
|------------------|---|---------------------|
| In the Matter of | ) |                     |
|                  | ) |                     |
| W X              | ) | OAH No. 18-0801-SNA |
| _____            | ) | Agency No. 05043731 |

**DECISION**

**I. Introduction**

On July 3, 2018, the Division of Public Assistance sent W X written notice that it was imposing a second-time job quit penalty which made her ineligible to receive Supplemental Nutrition Assistance Program benefits, commonly referred to as Food Stamp benefits for a 90-day period.

The preponderance of the evidence shows that Ms. X voluntarily quit a job, where she worked over 30 hours per week. This was the second time she had voluntarily quit a job. As a result, the Division’s decision to impose a second-time job quit penalty against her is AFFIRMED.

**II. Facts**

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

Ms. X started working at Employer A on June 18, 2018.<sup>1</sup> She was scheduled to work over 30 hours per week making \$13.00 per hour.<sup>2</sup> On June 27, 2018, after Ms. X did not call or show up to work, her supervisor, N H assigned Ms. X’s tasks to other workers.<sup>3</sup> According to Ms. X, she had worked 59 hours in 10 days and was overworked.<sup>4</sup> She claimed that she told Ms. H that she was going to see her doctor and would be in after she saw the doctor with a note, but Ms. H informed Ms. X that she would find someone else to perform Ms. X’ assigned tasks.<sup>5</sup> Ms. X interpreted that to mean that she was fired.<sup>6</sup> She did not return to work as scheduled the next day.<sup>7</sup> She made no further inquiries about her job.<sup>8</sup> Indeed, Ms. X did not talk to Ms. H again until July 2, 2018, when Ms. X told Ms. H that she would return her uniform.<sup>9</sup>

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<sup>1</sup> Ex. 2.  
<sup>2</sup> Ex. 2, 2.3.  
<sup>3</sup> Ex. 2.  
<sup>4</sup> Testimony of W X.  
<sup>5</sup> Ex. 2; X Testimony.  
<sup>6</sup> Ex. 2; X Testimony.  
<sup>7</sup> Ex. 2; X Testimony.  
<sup>8</sup> X Testimony.  
<sup>9</sup> Ex. 2.

On July 2, 2018, Ms. X submitted an Eligibility Review Form to recertify her Food Stamp Program benefits.<sup>10</sup> In that form, Ms. X informed the Division of the change in her job status.<sup>11</sup> In particular, she wrote, “Quite (sic). Cannot do housekeeping.”<sup>12</sup> The Division contacted Employer A and confirmed that Ms. X had quit her job.<sup>13</sup> The Division also reviewed Ms. X’s case and confirmed that she had received a job quit penalty in December 2007.<sup>14</sup> The Division then imposed a second time job quit penalty against Ms. X because she voluntarily quit her job without good cause.<sup>15</sup> That penalty closed Ms. X’ Food Stamp benefits case effective June 27, 2018 and made her ineligible to apply for Food Stamp benefits until after August 30, 2018.<sup>16</sup>

### III. Discussion

Food Stamps is a federal program administered by the State.<sup>17</sup> The Food Stamp program has a work requirement.<sup>18</sup> 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.<sup>19</sup> 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 to one that pays less than that minimum.<sup>20</sup> A Food Stamp recipient who quits or reduces his or her work effort is not eligible to receive Food Stamp benefits for a specified period of time.<sup>21</sup> That ineligibility period varies depending on whether the applicant has had prior penalties imposed.<sup>22</sup> The penalty for a second time job quit or reduction is three months.<sup>23</sup>

The preponderance of evidence in this case shows that Ms. X quit a job where she worked over 30 hours a week at an hourly wage of \$13.00. As a result, the Division has met its burden of proof and demonstrated that it is more likely true than not true that Ms. X voluntarily

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<sup>10</sup> Ex. 2.1. Because the form was received after the deadline for a recertification application, there was a lapse in benefits, and the Division treated the form as a reapplication. Testimony of T E.

<sup>11</sup> Ex. 2.3.

<sup>12</sup> Ex. 2.3.

<sup>13</sup> Ex. 5.6.

<sup>14</sup> Ex. 2.

<sup>15</sup> Ex. 2.

<sup>16</sup> Ex. 3.

<sup>17</sup> 7 C.F.R. § 271.4(a).

<sup>18</sup> 7 C.F.R. § 273.7(a)(1).

<sup>19</sup> 7 C.F.R. § 273.7(a)(1)(vii).

<sup>20</sup> 7 C.F.R. § 273.7(a)(1)(vii).

<sup>21</sup> 7 C.F.R. § 273.7(f)(iii).

<sup>22</sup> 7 C.F.R. § 273.7(f)(iii).

<sup>23</sup> 7 C.F.R. § 273.7(f)(iii)(2)(ii).

and without good cause quit her job at Employer A, which exceeded the Food Stamp program's benchmark of 30 hours per week at federal minimum wage. This was the second time she had voluntarily quit a job. Consequently, the Division was justified in imposing a second-time job quit penalty against Ms. X.

#### IV. Conclusion

The Division's decision to impose a second-time job quit penalty against Ms. X is affirmed.

Dated: September 6, 2018

By: Signed  
Signature  
Jessica L. Leeah  
Name  
Administrative Law Judge  
Title

[This document has been modified to conform to the technical standards for publication. Names may have been changed to protect privacy.]

### 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 21<sup>st</sup> day of September, 2018.

By: Signed  
Signature  
Jessica L. Leeah  
Name  
Administrative Law Judge  
Title

[This document has been modified to conform to the technical standards for publication. Names may have been changed to protect privacy.]