

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

In the Matter of )

K. Z. )

) OAH No. 22-0163-SNA  
)

**DECISION**

**I. Introduction**

K. Z. receives Supplemental Nutrition Assistance Program (SNAP) benefits for a two-person household which consists of him and his wife U. Z..<sup>1</sup> On February 7, 2022, the Division of Public Assistance (Division) notified his SNAP benefits would be reduced for the month of March 2022 because Ms. Z. was disqualified from receiving SNAP benefits for one month because she quit her job without justification. Mr. Z. requested a hearing to challenge the Division's action.

Mr. Z.'s hearing was held on March 30, 2022. Mr. Z. represented himself. Mr. Z. and Ms. Z. both testified. Jessica Hartley, a Fair Hearing Representative with the Division represented the Division.

The evidence in this case demonstrates that Ms. Z. quit her job without good cause as defined by the federal SNAP regulations. Consequently, the Division's action disqualifying Ms. Z. from receiving SNAP benefits for the month of March 2022 is AFFIRMED.

**II. Facts**

Mr. Z. and Ms. Z. applied for SNAP benefits on August 25, 2021. At that time, Mr. Z. was receiving federal Social Security Supplemental Security Income and Ms. Z. was receiving unemployment benefits.<sup>2</sup> Their application was approved.<sup>3</sup> As part of their approval, they were sent a written notice outlining the SNAP's work requirements and advising them of disqualification periods if those requirements were not adhered to.<sup>4</sup>

On January 7, 2022, Mr. Z. applied for Heating Assistance. In that application, he stated that Ms. Z. did not receive any income during the previous month, which would have been

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<sup>1</sup> The Supplemental Nutrition Assistance Program was formerly known as the Food Stamp Program and is still commonly referred to as Food Stamps. This decision will use the official name: Supplemental Nutrition Assistance Program (SNAP).

<sup>2</sup> Exs. 2.6, 3.

<sup>3</sup> Ex. 4.

<sup>4</sup> Ex. 4.2.

December of 2021.<sup>5</sup> In an interview, Ms. Z. stated that she had been fired from Employer A in August of 2021.<sup>6</sup> Alaska Department of Labor records showed that she worked for both Employer A and another employer during the 1<sup>st</sup> and 3<sup>rd</sup> quarters of 2021.<sup>7</sup> Mr. Z.’s application for Heating Assistance was approved on January 21, 2022.<sup>8</sup>

On or about January 27, 2022, the Division became aware that Ms. Z. had reported earnings from Employer A for the 4<sup>th</sup> quarter of 2021.<sup>9</sup> On January 28, 2022, the Division sent Mr. Z. a notice that requested information about Ms. Z.’s employment with Employer A including proof of her wages.<sup>10</sup> Mr. Z. had a telephone conversation with a Division employee on February 1, 2022, where the request for information was discussed.<sup>11</sup> A follow up notice regarding that request for information was sent on February 3, 2022.<sup>12</sup>

On February 3, 2022, Ms. Z. forwarded the Division an email from Employer A with her pay information for the pay periods ending August 7, 2021 through January 8, 2022.<sup>13</sup> That information showed that Ms. Z. worked at Employer A continuously for the pay periods ending August 7, 2021 through January 8, 2022. The Division’s February 3, 2022 casenote provides that the Z.s were called that day and that Ms. Z. told the Division representative that she had quit Employer A on January 7, 2022 because Mr. Z. “was being ‘audited’ by [the Division] and she did not want him to lose benefits.”<sup>14</sup>

The Division then determined that Ms. Z. had quit her job without having good cause to do so and imposed a disqualification penalty against the household, which made her ineligible for SNAP benefits for a one-month period. It notified Mr. Z. that Ms. Z. was not eligible to receive SNAP benefits for the month of March 2022, which reduced the household SNAP amount to \$79 for March 2022.<sup>15</sup>

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<sup>5</sup> Ex. 9.4.  
<sup>6</sup> Ex. 11.1.  
<sup>7</sup> Ex. 10.2.  
<sup>8</sup> Ex. 12.  
<sup>9</sup> Ex. 13.  
<sup>10</sup> Ex. 14.  
<sup>11</sup> Ex. 16.  
<sup>12</sup> Ex. 18.  
<sup>13</sup> Exs. 21 – 21.4.  
<sup>14</sup> Ex. 20.  
<sup>15</sup> Exs. 22 – 23.

Mr. and Ms. Z. both testified about a difficult history of interaction with the Division and said that they participated in a telephone call with a Division representative where she threatened them with jail if Ms. Z. did not quit her job, which caused Ms. Z. to quit her job.<sup>16</sup>

### **III. Discussion**

SNAP is a federal program administered by the State.<sup>17</sup> SNAP has a work requirement.<sup>18</sup> A person who is 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.<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 SNAP recipient who quits or reduces his or her work effort without good cause 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 first time job quit or reduction is a one month suspension from receiving SNAP benefits.<sup>23</sup>

The federal regulations provide that good cause for quitting a job includes such items as illness, the need to care for an ill household member, a household emergency, lack of childcare, discrimination by an employer, working without being paid, enrolling in an education program on at least a half-time basis, or changing employment to a job that meets certain minimum wage and hour requirements.<sup>24</sup>

The facts of this case do not show that Mr. Z. fits within any of these parameters. Instead, the Z.s testified that Ms. Z. quit her job because the Division threatened them with jail if she did not quit her job. This was not credible for several reasons. First, Ms. Z. quit her job on January 7, 2022. This was at the same time Mr. Z. was applying for Heating Assistance. The Division didn’t start asking Mr. Z. for information about Ms. Z.’s employment with Employer A until January 28, 2022, three weeks after Ms. Z. left her job.

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<sup>16</sup> Mr. and Ms. Z.’s testimony.

<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)(1).

<sup>22</sup> 7 C.F.R. § 273.7(f)(2).

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

<sup>24</sup> 7 C.F.R. § 273.7(i).

Second, the Division's February 3, 2022 casenote provides that on February 3, 2022, Ms. Z. told the Division that she quit her job on January 7, 2022 because Mr. Z. was being "audited." Again, there was no audit ongoing at that time, and an audit is very different from being threatened with jail. Third, it is highly improbable that a Division representative would have threatened a recipient with jail time if they did not quit their job. This is especially true since the SNAP program does have a work requirement.

The Division has the burden of proof in this case by a preponderance of the evidence to establish that Ms. Z. should be disqualified as a SNAP recipient for the one-month time period.<sup>25</sup> It has met its burden. Ms. Z. quit her job with Employer A. There was no showing of good cause by Mr. Z. or Ms. Z.. Instead, their explanation was not credible. Consequently, the Division has established that Ms. Z. left her job with Employer A without good cause for so doing and is subject to a one-month disqualification penalty.

#### **IV. Conclusion**

The Division's action disqualifying Ms. Z. from receiving SNAP benefits for the month of March 2022 is AFFIRMED.

Dated: April 14, 2022

SIGNED  
Lawrence A. Pederson  
Administrative Law Judge

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<sup>25</sup> 7 AAC 49.135.

## **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 26th day of April, 2022.

By: SIGNED\_  
Name: Lawrence A. Pederson  
Title: Administrative Law Judge

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