

E.P.,
Petitioner,
v.
OCEAN COUNTY WELFARE AGENCY,
Respondent.

Decided January 10, 1980

Initial Decision

SYNOPSIS

Food stamp benefits may be denied where the primary wage earner of the applicant household voluntarily quits his job, despite the claim that the employer allegedly provoked the action by accusing the employee of theft. The administrative law judge found that the exceptions to the Voluntary Quit Provision of the governing regulations, which would have allowed the receipt of benefits, were inapplicable. Consequently, food stamp benefits were properly denied, pursuant to *N.J.A.C. 10:87-3.19*.

GEIGER, ALJ:

Petitioner requests relief from the administrative determination of the Ocean County Welfare Agency denying food stamp benefits, pursuant to *N.J.A.C. 10:87-3.19*.

The matter was transmitted to the Office of Administrative Law for determination as a contested case, pursuant to *N.J.S.A. 52:14F-1 et seq.*

Petitioner requested a hearing on November 27, 1979. After notice to all parties, a hearing was held on December 26, 1979. The issue for which the hearing was requested was the denial of food stamp benefits due to the alleged voluntary cessation of employment by the primary wage earner of the household. The applicable regulations in this case are contained in *N.J.A.C. 10:87-3.19* and are set forth below:

No applicant household whose primary wage earner voluntarily quits his/her most recent job without good cause shall be eligible for participation in the Food Stamp Program except as provided below . . .

UNSUITABLE EMPLOYMENT - Employment offered to a registrant shall *not* be considered suitable when any of the following situations exist . . . The wages offered are less than the highest of; the applicable federal minimum wage, the applicable State minimum wage . . . The registrant, as a condition of employment, is required to join, resign from, or refrain from joining,

any legitimate labor organization . . . the work offered
is at a site subject to a strike or lockout. . .

Mr. J., who resides with petitioner and is the primary wage earner of the applicant household, stated he quit his most recent job because it was impugned by his employer that he was stealing doughnuts. He has no license to drive in the State of New Jersey, and he is finding it difficult to obtain other employment.

The agency representative stated she had gone over the Voluntary Quit Provision of the regulations with petitioner. She had explored all possible exceptions from that provision and was unable to find one. She explored the definition of unsuitable employment and was unable to find an exception under that heading.

Mr. J. stated that he quit his job because he felt his employer was preparing to fire him and perhaps was provoking him to quit.

The administrative law judge has reviewed the applicable regulations regarding the Voluntary Quit Provision and its exceptions and is unable to apply any of the exceptions to Mr. J.'s action.

Based upon the foregoing, I **FIND**:

1. Mr. J., primary earner in petitioner's household stated that he indeed voluntarily quit his most recent job.
2. Mr. J. contends he quit because he was goaded to that action by his employer upon an accusation of theft.
3. The agency has a clearly stated policy regarding voluntary quit which embraces certain exceptions. The administrative law judge cannot apply any of the exceptions in this case.

Based upon the facts adduced at the hearing in this proceeding and the applicable regulations, I **CONCLUDE**, pursuant to *N.J.A.C.* 10:87-3.19, that the agency acted in accordance with accepted policy.

After reviewing this Initial Decision, the Division of
Public Welfare on January 21, 1980 issued the following
Final Decision:

The Initial Decision in the case of the above captioned, is accepted and incorporated herein.

The denial of petitioner's application for participation in the Food Stamp Program is affirmed.