



Department of Human Resources  
 311 West Saratoga Street  
 Baltimore MD 21201

**FIA ACTION TRANSMITTAL**

**Control Number: #02-09**

**Effective Date: October 1, 2001**

**Issuance Date: September 11, 2001**

**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES  
 DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT  
 FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF**

**FROM: CHARLES E. HENRY, EXECUTIVE DIRECTOR**

**RE: ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWD) - FINAL  
 RULE**

**PROGRAM AFFECTED: FOOD STAMP PROGRAM**

**ORIGINATING OFFICE: OFFICE OF POLICY, RESEARCH AND SYSTEMS**

**SUMMARY**

On January 17, 2001 the Food and Nutrition Service published the Personal Responsibility Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 Final Rule. We implemented the ABAWD provisions based on the PRWORA legislation. Since there were no federal regulations at that time, FNS permitted states to decide how to interpret the legislation in some areas. This final rule now provides regulatory direction to some of the policy that is different from our policy decisions.

**OLD POLICY**

Treatment of Income and Resources

Exclude the resources and income of someone ineligible because of the ABAWD rule from consideration in determining the eligibility and benefit level for remaining members of a household.

Definition of Child

An individual is exempt from the ABAWD work requirement if he or she is responsible for the care of a dependent child. A dependent child was defined as an individual who is under age 18, or is under age 20 and included in a TCA grant as a child.

Counting the 3 Free Months

A month in which benefits were prorated counted toward the eligible months.

### Good Cause

There were no good cause reasons for failing to fulfill the work requirement.

### Verification of Disability and Reporting Changes

An individual who was exempt from the work requirement because of disability was required to present verification.

There were no defined change reporting requirements.

## **NEW POLICY**

### Fulfilling the Work Requirement

- Fulfilling the work requirement means:
  - Working at least 20 hours per week averaged monthly; **for the purpose of this policy, this means 80 hours per month;**
  - Participating in and complying with a Workforce Investment Act program, Trade Adjustment Assistance Act program, or Employment and Training program (other than job search or job search training program) for 20 hours per week;
  - **Any combination of working and participating in a work program for a total of 20 hours per week;**
  - Participating in a work experience program governed by the Fair Labor Standards Act (FLSA) requirements; or
  - Participating in a Workfare program.

### Definition of Child

- A customer is exempt from the work requirement if he or she is:
  - A natural, adoptive or a step- parent of a household member age 17 or younger, or
  - Living in a household where a household member is age 17 or younger
- This exemption from the time limit because of a child applies even if the household

member who is under age 18 is not eligible for food stamps.

### Counting the three free months

- Countable months are months during which an ABAWD receives food stamps for a **full** benefit month. **A prorated month does not count as one of the three free months of eligibility.**

Example 3: Mr. C applies for food stamps on July 6. He is an ABAWD and is not complying with the work requirement. The local department approves his application on July 10. The case manager assigns him a certification period through October 31. July does not count as one of the three free months.

### Good Cause

- If a recipient would have worked an average of 20 hours per week, but missed some time for good cause, we will consider the individual to have met the work requirement if the absence from work is temporary and the individual keeps the job.
- Good cause includes circumstances beyond the customer's control such as, but not limited to:
  - Illness,
  - Illness of another household member requiring the presence of the member,
  - A household emergency, or
  - the unavailability of transportation

### Verification of Disability and Reporting Changes

- The ABAWD work requirement does not apply to someone that the local department has determined to be medically certified as physically or mentally unfit for employment. The local department will consider someone medically certified as physically or mentally unfit for employment if he or she:
  - Is receiving temporary or permanent disability benefits from a public or private source,
  - **Is mentally or physically unfit for employment as determined by the observation of the case manager,** or
  - Provides a statement from a health provider if the unfitness is not obvious.
- The customer must report a change in work hours below 20 hours per week averaged monthly (80 hours a month).

### Benefits Received in Error

- If a customer subject to the ABAWD work requirement incorrectly receives food

stamp benefits, the local department will consider the benefits to have been received unless the customer pays it back in full.

**ACTION DUE**

Apply this policy with new applications and recertifications taken on or after October 1, 2001.

**INQUIRIES**

Please direct policy questions to Kay Finegan at (410) 767-7939. System questions should be directed to Lee Wurtzer at (410) 238-1293.

cc: DHR Executive Staff  
FIA Management Staff  
Constituent Services  
DHR Help Desk  
RESI

## **CARES ACTION REQUIRED**

When an ineligible ABAWD is in a Food Stamp household with other eligible members the following action is required:

- Identify the ineligible ABAWD on the **STAT** screen by entering code 526 in the **Rsn** field to the right of the individual's name (Client Level).
- Determine the pro rated share of income off line and enter on the appropriate screen(s) for an eligible household member.
- Determine the assets of the ineligible ABAWD household member off line. Enter the full amount of assets on the appropriate screen(s) for an eligible household member.
- When the ineligible ABAWD is responsible for shelter costs, determine the prorated amount off line. Enter the prorated shelter costs on the **SHEL 01** screen.
- Use the **NARR** screen to explain how prorated income and expense amounts were calculated.
- Complete CARES processing as required.