



Department of Human Resources
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FIA ACTION TRANSMITTAL

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**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: WAIVER OF ABLE-BODIED ADULTS WITHOUT DEPENDENTS
REQUIREMENTS**

PROGRAM AFFECTED: FOOD STAMPS (FS)

ORIGINATING OFFICE: OFFICE OF POLICY, RESEARCH AND SYSTEMS

The Food and Nutrition Service (FNS) has informed us that Cecil County has been added to the list of counties exempt from the special work requirements for able-bodied adults without dependents (ABAWDs). Cecil County is exempt from the requirements for the period of March 1, 2002 through February 28, 2003.

Effective March 1, 2002, able-bodied adults without dependents who live in Cecil County are not:

- Subject to the three-month time limit on food stamp eligibility, and
- Do not have to meet the ABAWD work requirements in order to receive food stamps.

Cecil County joins the following counties exempt from ABAWD work requirements:
Allegany, Dorchester, Garrett, Somerset, Worcester, and Baltimore City.

LOCAL DEPARTMENT ACTION

The case manager must:

- Review past management of each household member to determine their ABAWD status,

- Remember that a person moving from any exempt jurisdiction, into a non-exempt jurisdiction, may only receive two three month certifications of food stamps, in 36 months, unless they meet the work requirements for ABAWDs.

Work requirements for ABAWDs include:

1. Working 80 hours in a 30-day period. Working at least 20 hours per week (averaged monthly 80 hours per month);
2. 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;
3. Participating in remedial education for 20 hours per week;
4. Participating in vocational training for 20 hours per week; or
5. Participating in a work experience program governed by the Fair Labor Standards Act (FLSA) requirements.

REMEMBER

Food Stamp benefits received in any month an individual lives in an exempt jurisdiction do not count toward the three months of food stamp benefits in a 36-month period.

EXAMPLES:

1. Mr. and Mrs. Smith applied for food stamps in Cecil County on March 10, 2002, and were found eligible beginning in the month of application. Since both individuals are able bodied and have no children they are subject to ABAWD work requirements. However, Cecil County is an exempt county. The months they receive FS in Cecil County do not count toward their three months in 36 months.
2. Mr. Jones began to receive food stamps in Baltimore County December 10. He is able bodied and has no dependent children. He is subject to ABAWD work requirements. The last month he is eligible to receive FS is March. December's FS benefit was prorated and does not count toward the three months. He was issued adverse action advising him of the closing of his case. His certification ended March 31. In May, Mr. Jones moves to Allegany County and applies for FS. Allegany County is an exempt county. Mr. Jones now resides in a county that is exempt from ABAWD work requirements and is again eligible to receive FS.

PAYMENT ACCURACY

Local departments must ensure that:

- An individual who is ineligible because of the ABAWD requirements does not receive benefits.
- When a household that includes an ABAWD moves from one jurisdiction to another, the case manager reviews :
 - Past receipt of food stamps, and
 - The waiver status of the prior jurisdiction before issuing benefits.

Quality Control will:

- Verify, as of the review date the:
 - Status of individual household members as ABAWDs, and
 - Program participation history of any household member determined to be an ABAWD.
- Cite an error if it is determined that, as of the review date:
 - The household contains members who are ABAWDs who have exceeded their time limits for participation.
 - Changes that should have been reported by the household were not reported.

Questions and Answers About the ABAWD Regulation

Following are questions and answers that have previously been issued. However, since the same questions continue to come up we are re-issuing them.

- Q. Does the customer have to finish the cure before he/she is eligible or if the customer wants to participate in a work program do we approve the customer's eligibility assuming they will comply?
- A. The customer has to have worked or participated and complied for 80 hours in a 30-day period before they regain eligibility.
- Q. Is the initial prorated month of benefits counted as one of the three months of eligibility?
- A. No, only full month's benefits are counted.
- Q. If the customer leaves the Food Stamp Program and then returns, when does his 36-months start?
- A. Once the 36-month clock begins it continues uninterrupted even if the customer is not participating. The 36-month clocks are predetermined periods of time-a fixed clock. The current 36-month clock runs from November 1999 through October 31,

2002. The next 36-month clock begins November 1, 2002 and extends through

October 31, 2005.

- Q. The law says that an individual can receive Food Stamps for only three months in a 36-month period unless the individual works at least 20 hours per week, averaged monthly. How will the 20 hours on average be determined?
- A. Someone who works 80 hours in two weeks would be eligible. The individual would have an average of 20 hours per week. If the individual works 40 hours the last week in May and 40 hours in the first week in June, the work requirement is not met.
- Q. A customer reapplies and meets expedited services criteria. The individual is subject to the ABAWD work requirements and has already received benefits for three months in 36 months. He states he is disabled. Can the expedited FS be issued without verification of the disability?
- A. Yes, if it is not possible to verify the disability within expedited time frames. If appropriate, a claim may be established if verification is received which establishes that the individual is not disabled.
- Q. Some jurisdictions are exempt from ABAWD work requirements. How is a customer who moves from a non-exempt area to an exempt area treated?
- A. If the customer moves into an exempt area the customer becomes exempt and his participation while not working does not count toward the 3-month limit. The 36-month period continues.

CARES

Please refer to CARES Bulletin 02-08 and Action Transmittal 01-55 for CARES codes and additional ABAWD information.

INQUIRIES

Please direct food stamp questions to Marilyn Lorenzo at 410-767-7333 or Kay Finegan at 410-767-7939.

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