



Department of Human Resources
311 W. Saratoga St.
Baltimore, MD. 21201-3521

FIA ACTION TRANSMITTAL

Issuance Date: MARCH 27, 1997

Effective Date: UPON RECEIPT

Control Number: FIA/OPA # 97-81

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

FROM: KEVIN MAHON, EXECUTIVE DIRECTOR, FIA

**RE: WAIVERS TO THE WORK REQUIREMENTS FOR ABLE-BODIED
ADULTS WITHOUT DEPENDENTS**

PROGRAM AFFECTED: FOOD STAMP PROGRAM

**ORIGINATING OFFICE: OPA/ DIVISION OF PROGRAM POLICY AND
REGULATION**

BACKGROUND

Action Transmittal FIA/OPA 97-60, issued November 29, 1996, informed local departments of the new work requirement for able-bodied adults without dependent children (ABAWDS). A waiver request to exempt jurisdictions from the work requirement was submitted to the Food and Consumer Service (FCS) December 31, 1996. The waiver requested exemptions from the requirement in three parts:

- ▶ For Dorchester County, Garrett County, and Somerset County which have unemployment rates greater than 10 percent.
- ▶ For Allegany County, Annapolis City, Baltimore City, Cecil County, and Worcester County which do not have sufficient jobs for customers because they are designated labor surplus areas.
- ▶ For the balance of the State which does not have sufficient jobs for these customers because of insufficient job growth and the interaction of this requirement with the Temporary Cash Assistance work participation rate requirements.

The jurisdictions with an unemployment rate above 10 percent began to operate under the waiver effective January 1, 1997. The waiver for Allegany County, Annapolis City, Baltimore City, Cecil County, and Worcester County was approved March 6, 1997. The waiver was approved

retroactive to November 1, 1997 and will expire on January 31, 1998.

NEW POLICY

Individuals living in the following jurisdictions are exempt from the ABAWD work requirement:

- ▶ **Dorchester County**
- ▶ **Garrett County**
- ▶ **Somerset County**
- ▶ **Allegany County**
- ▶ **Cecil County**
- ▶ **Worcester County**
- ▶ **Baltimore City**
- ▶ **Annapolis City**

Any food stamp benefits received since November by customers in these jurisdictions do not count toward the 3-month limit.

- ▶ Food stamp benefits received in any month an individual lives in one of the eight exempt jurisdictions do not count toward the 3-month limit on food stamp benefits.
- ▶ The 36-month count is still in effect in all jurisdictions, including the exempt counties.

EXAMPLES

Example #1: Mr. and Mrs. Smith applied for food stamps in Garrett County on June 16, 1997, and were found eligible beginning in the month of application. Since both individuals are able-bodied and have no dependents, they are subject to the ABAWD work requirement. The 36-month counter begins in June. Since the household lives in a county which has been given a waiver due to high unemployment rate, food stamps received during the time they live in the jurisdiction do not count toward the 3-month limit.

Example #2: Mr. Jones has received food stamps in Prince George's County since 1994. In December 1996 he was notified his benefits would end effective February 1, 1997 due to the ABAWD requirement. In May he moved to Dorchester County and applied for food stamps on May 5. He has received 3 months of benefits in the 36-month period beginning November 1, 1996, after he was notified of the new rule. Because he now resides in a jurisdiction which is exempt from the requirement, he is again eligible.

Reminder: Proper notice must be issued to recipients in sufficient time to terminate benefits as required by this policy.

ACTION REQUIRED

Food stamp benefits to some households were reduced or terminated prior to the waiver approval. These individuals are entitled to restored benefits.

AIMS

AIMS procedures for ABAWDS were outlined on Action Transmittal OPA 97-60. ABAWD specific AIMS denial and closure codes were not available at that time.

Since the closing codes specific to ABAWDS were not available until March 1, it will be difficult to identify cases that were reduced or terminated because of this requirement. A letter to customers in exempt jurisdictions will be sent to notify them of the change and to tell them to contact their local department of social services to reapply. Issue restored benefits when appropriate.

AIMS Closing and Denial Codes

The following codes are effective in AIMS on March 1, 1997:

- ▶ Denial - 306
- ▶ Reduction - 355
- ▶ Closure - 356

The same text is used for the three codes - Because you did not comply with the work requirements for able-bodied adults without dependents

CARES

The following actions will be taken centrally for cases in newly ABAWD exempt counties that were reduced prior to the waiver approval:

- ▶ **Currently Active Assistance Units**
Individuals who were removed from an assistance unit that is currently active will be added to the assistance unit for the remainder of the certification period. The head of household will be notified that restored benefits for this individual have been issued for the affected months.
- ▶ **Closed or Denied Assistance Units**
Closed or denied assistance units will be identified. A Customer letter will be sent about the change in the rule. Customers will be informed that they must reapply if they are in need of further benefits.

PAYMENT ACCURACY

The ABAWD policy is highly error prone since only some jurisdictions are operating under the provisions of the waiver. Customers who are subject to the ABAWD policy must be reminded of the requirement to report when they move and the consequences of failing to do so. If exempt because of employment, they must also be reminded of the income reporting requirements

Quality Control will verify, as of the review date, both the status of individual household members as ABAWDS and the program participation history of any members determined to be ABAWDS. Errors will be cited 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.

Reportable changes which are not reported and which impact on the eligibility status of ABAWD individuals will be included in the error determination process.

For example: A single person ABAWD household is certified for 12 months in a jurisdiction which is exempt (by waiver) from the ABAWD provisions. In the second month the individual moves to another county which is not exempt and fails to report the move. The QC sample month is the eighth month of the certification period. As of the review date the customer is an ABAWD individual, and has participated as an ABAWD for 6 months. The client would be determined ineligible by Quality Control.

ACTION DUE

The ABAWD exemption is effective retroactively to November 1, 1996, in all counties granted a waiver to the requirement. Remaining jurisdictions will be notified if further exemptions are approved by FCS.

QUESTIONS AND ANSWERS ABOUT THE ABAWD PROVISION

The Food and Consumer Service provided answers to questions raised by states. Local departments have also requested answers to questions. The following questions and answers are provided for clarification of this difficult policy:

- 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. They have to have worked or participated and complied for 80 hours in a 30-day period before they regain eligibility.
- Q. When determining length of participation for an ABAWD, if the initial month was prorated, will it be counted as one of the three months of eligibility?

- A. States are allowed flexibility in this area until federal regulations are written. In the interim, we will count any month for which food stamps are received as one of the three months of eligibility.

Example: An individual applies in May. Prorated benefits for May and a full allotment for June are issued in June. This counts as two months of benefits. If no benefits are issued for May because of proration, only the month of June is counted toward the 3 month limit.

- Q. If a recipient has not worked and is in the third month of benefits but it is verified that the individual will begin employment, will the local department look at the case prospectively and consider the recipient eligible and determine eligibility?
- A. Until regulations are written, State agencies may use their best judgement. If the verification proves the recipient will meet the work requirements and the certification period is not set to expire, the recipient is considered to meet the ABAWD work requirement. Determine eligibility and benefit level based on the reported income. If the certification period expires at the end of the third month, inform the customer that a new application is necessary.
- Q. If a state has a waiver which exempts certain areas of that state, how is a customer who moves from a non-exempt area within the state to an exempt area within the state treated?
- A. If a customer moves into an exempt area, then the customer becomes exempt and his participation while not working does not count toward the 3 month limit. However, the 36 month period continues.
- Q. If an individual leaves the program and then returns, when does his 36-months start?
- A. Once started, the 36 month period continues uninterrupted, even while the customer is not participating; it is only the 3 month "clock" that starts and stops.
- Q. The law says an individual can receive food stamps for only 3 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. This means that someone who worked 80 hours in 2 weeks would have an average of 20 hours per week for the month and would be eligible. If an individual works 40 hours the last week in May and 40 hours the first week in June, the work requirement is not met.
- Q. To be eligible for the one time 3-month extension, does the individual have to be receiving food stamps at the time his employment or training program participation ends?

A. No. There is nothing in the law that requires that the person be participating in order to regain eligibility.

Q. A customer reapplies and meets the expedited service 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 food stamp benefits be issued without verification of the disability?

A. Yes, if it is not possible to verify the disability within the expedited time frames. If appropriate, a claim may be established if verification is received which establishes that the individual is not disabled.

INQUIRIES

Please direct questions to Kay Finegan at (410) 767-7939.

cc: FIA Management Staff
Constituent Services