

 Department of Human Resources 311 West Saratoga Street Baltimore MD 21201	<b>FIA ACTION TRANSMITTAL</b>
<b>Control Number:</b> FIA/OPR 98-35	<b>Effective Date:</b> Upon Receipt <b>Issuance Date:</b> February 19, 1998

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

**FROM: ~~KEVIN MAHON~~, EXECUTIVE DIRECTOR, FIA**

**RE: ABLE-BODIED ADULTS WITHOUT DEPENDENTS - NEW WAIVER  
 COUNTY AND POLICY EXAMPLES**

**PROGRAM AFFECTED: FOOD STAMP PROGRAM**

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

**SUMMARY**

On August 5, 1997, President Clinton signed the Balance Budget Act of 1997. The Act permits states to exempt up to 15 percent of able-bodied adults without dependents (ABAWDS) from the work requirements. This 15 percent is in addition to our current waivers. The Food and Nutrition Service has informed us that our exemption allowance for federal fiscal year (FFY) 1998 is 515. This transmittal also includes information about the jurisdiction newly exempt from the ABAWD provisions based on the Department of Labor's determination of FFY 1998 labor surplus areas.

The Food and Nutrition Service recently sent additional guidance in the form of examples to help clarify the ABAWD policy. The policy examples are also included in this transmittal.

Action Transmittals 97-60 issued November 29, 1996 and 97-81 issued March 27, 1997 are still in effect except for:

- The treatment of income and resources, and
- The age at which a person becomes exempt from the ABAWD requirement.

## NEW POLICY

### ➤ Treatment of Income and Resources

Exclude the income and resources of any individual who is ineligible for food stamps because of the ABAWD work requirement when calculating the eligibility and benefit for remaining members of a household. There is no requirement for the ineligible ABAWD to report changes in circumstances.

### ➤ ABAWD Waiver

The jurisdictions that are currently exempt from the ABAWD requirement are Dorchester, Garrett, Somerset, Allegany, Cecil, and Worcester, Counties and Baltimore and Annapolis City. In addition, Kent County is exempt. This is because the Department of Labor designated Kent County as a labor surplus area in FFY 1998.

See Action Transmittal FIA/OPA 97-81 for treatment of cases in exempt jurisdictions.

### ➤ 15 percent Exemption

As a part of the 15 percent exemption, individuals living in Anne Arundel County outside Annapolis City (which is already exempt), are exempt from the ABAWD work requirements.

For the remaining 15 percent allowance, we are changing the age at which an individual is exempt from the requirement from age 50 to age 47. **An individual is exempt from the ABAWD work requirement if under age 18 or over age 47. This means that on the customer's 47<sup>th</sup> birthday, he or she is exempt from the work requirement.**

## ABAWD POLICY EXAMPLES

- Unless otherwise exempt, an ABAWD may receive a maximum of "Free 3 months" 2 times in a 36 month period.
- After receipt of the "1<sup>st</sup> free 3 months" (which do not have to be consecutive) the case manager must terminate the individual because of the ABAWD policy. The individual must "regain eligibility" in order to receive the "2<sup>nd</sup> free 3 months" (which must be consecutive).

**Reminder: To regain eligibility, the individual must complete at least 80 hours of work in 30 days or participate in and comply with the requirements of a work program for 80 or more hours or participate in a workfare program.**

- The case manager must issue timely notice to ensure an individual receives only 3 months of non-exempt food stamp benefits.

## SUBSEQUENT ELIGIBILITY

- Regaining Eligibility

Example 1: Mr. A is not exempt from the ABAWD requirement. He received his "1<sup>st</sup> free 3 months" food stamps in 3/97, 4/97 and 5/97. He was terminated effective 6/1/97 because he was not working and was not otherwise exempt from the ABAWD requirements. He got a construction job on 7/6/97 working 40 hours per week. He was laid off on 7/31/97. On 8/4/97 he applies for food stamps. Since he was terminated because of the ABAWD requirement and he met the requirement to regain eligibility (worked 80 hours in 30 days) and he meets all other food stamp eligibility requirements, he is certified to receive the "2<sup>nd</sup> free 3 months" for the period 8/4/97 through 10/31/97.

- Maintaining Eligibility

Example 2: Mr. B (not exempt) received his "1<sup>st</sup> free 3 months" food stamps in 3/97, 4/97 and 5/97. He was terminated effective 6/1/97 because he was not working and was not otherwise exempt from the ABAWD requirements. He got a job as a mechanic on 8/11/97 working 25 hours per week. On 10/13/97 Mr. B applies for food stamps. At the time of application, the case manager verifies that he is still working at least 20 hours per week. Since Mr. B worked 80 hours in 30 days he regained his eligibility to maintain his eligibility. Mr. B meets all other food stamp eligibility requirements and is certified to receive ongoing benefits.

**NOTE: Even though Mr. B had to "regain eligibility," the months he is working 20 hours per week averaged monthly, DO NOT count against the "2<sup>nd</sup> free 3 months."**

**REMEMBER: "Regain to maintain" means the individual was terminated or denied because of the ABAWD requirement and has subsequently worked the "80 in 30" and continues to work at least 20 hours per week averaged monthly. There is no limit to the number of times an individual may "Regain to maintain" in a 36-month period.**

- Regained Eligibility

Example 3: Mr. C. (not exempt) received his "1<sup>st</sup> free 3 months" food stamps in 3/97, 4/97 and 5/97. He was terminated effective 6/1/97 because he was not working and was not otherwise exempt from the ABAWD requirements. He got a job as a mechanic on 8/11/97 working 25 hours per week. On 10/13/97 Mr. C applies for food stamps. At the time of application the case manager verifies that he is working at least 20 hours per week. Since Mr. C worked 80 hours in 30 days, he regained his eligibility to maintain his eligibility. Mr. C meets all other food stamp eligibility requirements and is certified to receive ongoing benefits. Mr. C continues to work and receive food stamps. On 1/20/98

Mr. C reports that he lost his job on 1/16/98 because the company went out of business. Mr. C is now eligible for his "2<sup>nd</sup> free 3 months" of food stamps. The change in his allotment is effective for 2/98. His food stamps are terminated at the end of 4/98. The months of 2/98, 3/98 and 4/98 are Mr. C's "2<sup>nd</sup> free 3 months."

**REMEMBER: Mr. C is not eligible to receive food stamps for the remainder of the 36-month period unless he becomes exempt from the ABAWD work requirement (by "working to regain and maintain" or being otherwise exempt).**

- There may be situations when an individual has "regained eligibility" for the "2<sup>nd</sup> free 3 months" but at the time of application is not eligible for food stamps.

Example 4: Ms. D. (not exempt) received her "1<sup>st</sup> free 3 months" food stamps in 3/97, 4/97 and 5/97. She was terminated effective 6/1/97 because she was not working and was not otherwise exempt from the ABAWD requirements. She got a job on 7/6/97 working 40 hours per week. She was laid off on 8/31/97. On 9/4/97 she applies for food stamps. At the time of application she has a savings account with a balance of \$2100.00. The case manager denied her application because of excess resources.

**REMEMBER: Nothing in the ABAWD provision makes an individual eligible for benefits if the individual is not otherwise eligible for benefits under food stamp policy.**

### **REGAINED ELIGIBILITY - "WINDOW OF OPPORTUNITY"**

- An individual, who regained eligibility, remains eligible for a consecutive 3-month period, beginning on the date that individual first notifies the local department. This is the "window of opportunity" for receipt of the 2<sup>nd</sup> free 3 months.

Example 5: Mr. E (not exempt) received his "1<sup>st</sup> free 3 months" food stamps in 3/97, 4/97 and 5/97. He was terminated effective 6/1/97 because he was not working and was not otherwise exempt from the ABAWD requirements. He got a job on 7/6/97 working 40 hours per week. He was laid off on 8/31/97. On 9/4/97 he applies for food stamps. At the time of application he has a savings account with a balance of \$2100.00. The case manager denied his application because of excess resources. On 10/5/97 he completes an application for food stamps. He now has only \$1100.00 in his savings account and is otherwise eligible. Since Mr. E became "ABAWD eligible" on 9/4, the "window of opportunity" opened at that time. Because he applied and is eligible during the three month "window," he is authorized for food stamps for the months of October and November (the remaining 2 months of the 2<sup>nd</sup> free 3 months).

**NOTE:** When Mr. E was terminated effective 6/1/97 because of the ABAWD policy, he immediately qualified for the "2<sup>nd</sup> free 3 months." He becomes eligible to receive those benefits only after he does what is required to regain eligibility. Mr. E did what was required to regain eligibility for the "2<sup>nd</sup> free 3 months," but was not eligible for food stamps at the time he applied on 9/4/97. However, because Mr. E was terminated because of the ABAWD policy and subsequently did what was required to regain eligibility, the "window of opportunity" opened on 9/4/97 for the 2<sup>nd</sup> free 3 months.

**REMEMBER:** The "window of opportunity" opens beginning on the date he first tells the local department he no longer is:

- working 20 hours per week averaged monthly, or
- participating in and complying with the requirements of a work program for 20 hours or more per week, or
- participating in and complying with the requirements of a workfare program.

The "window of opportunity" remains open for 3 consecutive months.

#### **REGAINED ELIGIBILITY – "WINDOW OF OPPORTUNITY" CLOSES**

- The "window of opportunity" for receipt of the "2<sup>nd</sup> free 3 months" closes at the end of the third consecutive month.

Example 6: Ms. F (not exempt) received her "1<sup>st</sup> free 3 months" food stamps in 3/97, 4/97 and 5/97. She was terminated effective 6/1/97 because she was not working and was not otherwise exempt from the ABAWD requirements. She got a job on 7/6/97 working 40 hours per week. She was laid off on 8/31/97. On 9/4/97 she applies for food stamps. At the time of application she has a savings account with a balance of \$2100.00. The case manager denied her application because of excess resources. On 1/3/98 Ms. F applies again for food stamps. Her savings account has a balance of \$300. Ms. F has not worked since she was laid off on 8/31/97. The case manager denies the application of 1/3/98.

**NOTE:** Even though the "window" opened on 9/4/97, Ms. F did not apply during the remainder of the 3-month "window" and the "window" closed on 11/30/97. Once the "window" closes, in order for Ms. F to become eligible for food stamps he must again "regain" her eligibility. Since Ms. F. has done nothing to regain her eligibility subsequent to 11/30/97, the application of 1/3/98 is denied because of the ABAWD work requirements.

**REMEMBER:** The policy says an individual will regain eligibility to participate in the Food Stamp Program for a single three consecutive month period. Since Ms. F did not "participate" for a "2<sup>nd</sup> free 3 months" she still has the opportunity to receive those benefits once she does what is required to regain eligibility.

#### ADDITIONAL POLICY EXAMPLES

- Case closes for a reason other than the ABAWD provision.

Example 7: Mr. G was certified for his "1<sup>st</sup> free 3 months" food stamps for 12/97, 1/98, and 2/98. On December 5, he notified the local department that he had received an insurance settlement in the amount of \$6,000. The case was terminated effective 12/31/97 because resources exceeded the limit. On March 3, 1998, Mr. G again applied. He no longer has the money from the settlement. He has not worked. He meets all food stamp eligibility requirements and is certified for 3/98 and 4/98, the remaining two months of his "1<sup>st</sup> free 3 months." He cannot receive benefits beyond 4/98 unless he does what he needs to do to regain eligibility or becomes exempt from the requirement.

Example 8: Ms. H was certified for her "1<sup>st</sup> free 3 months" food stamps for 12/97, 1/98, and 2/98. At her recertification appointment on February 5, she presented proof from her doctor that she was unable to work for six months. Since she met all food stamp eligibility requirements, she was recertified through August 1998. In August Ms. H submitted an application for recertification. She is now able to work and is no longer exempt from the ABAWD work requirement. Since she received her "1<sup>st</sup> free 3 months," she must regain eligibility. The local department must terminate the case because of the ABAWD requirement.

- Case continued after the "1<sup>st</sup> free 3 months" because of a statutory work registration exemption.

Example 9: Mr. I was certified for his "1<sup>st</sup> free 3 months" food stamps for 12/97, 1/98, and 2/98. At his February 5, recertification appointment he was told that benefits would end at the end of the month because of the new work requirement. On February 7, Mr. I got a job and provided a statement from the employer to verify that he was hired, effective immediately, to work 35 hours per week at \$5.15 an hour. Because he now has a statutory exemption from work registration and meets food stamp eligibility requirements, he is recertified.

**REMEMBER:** The policy says a person is exempt from the ABAWD requirement if otherwise exempt from the statutory work registration requirements.

**INQUIRIES**

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

cc: FIA Management Staff  
Constituent Services  
CTF  
OIM Help Desk

LDSS: ## XX

DC: ##

UNIT: ##

CASE MANAGER: XXXXXX

NEW HIRES MATCH REPORT

CUSTOMER NAME	SSN	IRN	NEW CUSTOMER	ALERT AU NUM	PROG TYPE	EMPLOYER	EMPLOYMENT START DATE	ALERT DE DATE	DISP CD
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SSN#BR  
RUN DATE: MM/DD/CCYY

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CLIENTS AUTOMATED RESOURCE AND ELIGIBILITY SYSTEM

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LOSS: ## XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
ID: ##  
UNIT: ##  
CASE MANAGER: XXXXXX

NEW HIRES OUTSTANDING ALERTS REPORT

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NEW HIRES ALERT DISPOSITION REPORT

SSC#HR: MW/DD/CCYY  
RUN DATE: MW/DD/CCYY

IDSS: ## XX  
ID: ##  
UNIT: ##  
CASE MANAGER: XXXXX

CUSTOMER NAME	SSN	IRN	IRN ACTIVITY IND	ALERT AU NUM	EMELOVER	EMPLOYMENT START DATE	ALERT DLE DATE	DISP CD	DAYS OVER/DLE
XXXXXXXXXXXXXXXXXXXX, XX	##-##-###	#####	X	#####	XX	MW/DD/CCYY	MW/DD/CCYY	1	###
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