



Department of Human Resources  
311 West Saratoga Street  
Baltimore MD 21201

## FIA ACTION TRANSMITTAL

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

FROM: *Lynda Fox*  
LYNDA FOX, DEPUTY SECRETARY FOR PROGRAMS AND LOCAL  
OPERATIONS

RE: REVISED POLICY MANUAL SECTIONS

PROGRAM AFFECTED: FOOD STAMP PROGRAM

ORIGINATING OFFICE: OFFICE OF POLICY AND RESEARCH

### SUMMARY

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 established new policies and procedures for the Food stamp Program. These changes have necessitated the revision of the Family Investment Administration's Food Stamp Manual to reflect the current food stamp policy and procedures. FIA is in the process of revising the Food Stamp Manual and will distribute sections of the manual to local departments as they are completed.

### ACTION REQUIRED

Attached is Food Stamp Manual Section 130 – Work Requirements. Please remove the current section from your Food Stamp Manual and replace the entire section with the new pages.

### ACTION DUE

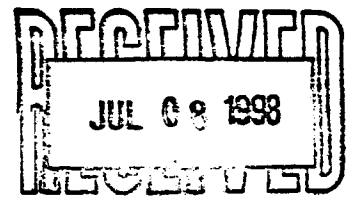
The required action is due upon receipt of the Action Transmittal.

### INQUIRIES

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

cc: FIA Management Staff  
Constituent Services

OIM Help Desk  
CTF



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### **130.1 Work Registration COMAR 07.03.17.08**

The Food Stamp Act requires that all able-bodied adults who are members of eligible households register for work and accept suitable work, with some exceptions.

### **130.2 Registration Procedure**

- A. Determine which household members must register for employment.
- B. Register each individual who is not exempt under 130.4.
- C. Explain and provide in writing the work registration requirements, the individual's rights and responsibilities and the consequences of failure to comply, to the household member who is required to register for work.
- D. Complete a work registration form or enter the information in the FSET MIS, for each household member required to register for employment.
- E. It is not necessary for work registration to be done in person. Register the non-exempt members of a household based on information provided by the member applying (including the CARES download).
- F. Register each person when first certified and again at each recertification as a condition of eligibility.

### **130.3 Determination of Exemption Status**

- A. Make the determination as to which household members do not have to be work registered at the time of initial certification, at each subsequent recertification, at any change in employment status.
- B. After applying the exemption criteria in 130.4, determine if there is a reason to grant an individual exemption based on the circumstances described in 130.5

### **130.4 Statutory Exemptions from Work Registration.** The following persons do not have to be work registered:

- A. **A child younger than age 16.** Individuals age 16 and 17 are exempt if they are not the head of household or if they are attending school or are enrolled in an employment training program at least half-time.
- B. **A person 60 years of age or older.**

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**130.4 Statutory Exemptions from Work Registration. (continued)**

- C. **A person physically or mentally unfit for employment.** Require verification of the mental or physical disability if the disability is not evident. Appropriate verification consists of receipt of temporary or permanent disability payments issued by public or private sources or a statement from a medical care provider.
- D. **A household member subject to, and complying with, any work requirement under Title IV of the Social Security Act.** This includes compliance with local department Temporary Cash Assistance work requirements.
- E. **A parent or other household member who is responsible for the care of a dependent child under age 1 or an incapacitated individual.** If the child has his or her 1<sup>st</sup> birthday within a certification period, the individual responsible for the care of the child must fulfill the work registration requirement at the next scheduled certification period unless the individual qualifies for another exemption.
- F. **A person who is receiving unemployment compensation.** A person who has applied for, but has not yet begun to receive benefits is also exempt if that person was required to register for work as part of the unemployment compensation application process. If the exemption claimed is questionable, verify the exemption with the appropriate office of the Department of Labor, Licensing, and Regulation.
- G. **A regular participant in a drug addiction or alcoholic treatment program.**
- H. **A person who is employed or self-employed and working a minimum of 30 hours weekly or receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours.** This includes migrant and seasonal farm workers who are under contract with an employer or crew chief to begin employment within 30 days.
- I. **A student enrolled at least half time with any recognized school, training program, or institution of higher education.**
  - (1) A student enrolled at least halftime in a school of higher education must meet the requirements in Section 102.3 of the manual.
  - (2) The student remains exempt during normal periods of class attendance, vacations, and recesses, unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer school).
  - (3) Persons who are not enrolled at least half time or experience a break in enrollment status due to graduation, expulsion or suspension, or who drop out or do not intend to return to school are not considered students for the purpose of qualifying for this exemption.

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### **130.5 Individual Exemptions**

- A. Household members who must be work registered may still be individually exempted from participation in the Food Stamp Employment and Training (FSET) program under the following circumstances: (These conditions do not automatically cause an individual exemption. The situation must exist and the worker must decide that it makes participation in employment and training programs impractical.)
- (1) The registrant is age 55 and over – The individual is age 55 or older with no formal skill training and has not been employed within the last 10 years and has less than a 10<sup>th</sup> grade education.
  - (2) Multiple barriers – The individual has multiple barriers to employment, such as but not limited to, alcohol or drug abuse, loss of a driver's license and therefore lacks transportation to the FSET program site.
  - (3) Registrant with childcare difficulties – The individual is the caretaker relative of a child age under age 12 and cannot arrange adequate childcare.
  - (4) Family problems – The individual is experiencing abuse and must attend counseling sessions that conflict with employment and training participation.
  - (5) Homeless, if other barriers are present – The registrant lacks adequate shelter or a permanent home and has one or more other limitations, such as but not limited to, a history of alcohol or drug abuse, lack of transportation, or inadequate clothing.
  - (6) Temporary illness or disability – The registrant has a temporary illness or disability and is unable to work for at least 90 days. Verification is required.
  - (7) Job related – The registrant has been laid off temporarily with the expectation of returning to the same employer within 3 months or less or a registrant who has a verifiable offer of employment to begin within 90 days.
  - (8) Transitional living arrangement – The registrant is living in a temporary arrangement such as a shelter for battered women or other temporary housing during a family emergency.
  - (9) Migrant or seasonal worker – The registrant who moves from one region to another to work or seek work in agriculture or a related seasonal industry, or a registrant who is under contract or has a similar agreement with an employer to begin work within 30 days.

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### 130.5 Individual Exemptions (continued)

- (10) Convicted offender – The registrant is performing unpaid work for a maximum of 30 hours weekly in lieu of sentencing.
  - (11) Pregnancy – The registrant has begun the second or third trimester of pregnancy.
  - (12) Six-month certification – The registrant has a food stamp certification period of less than 6 months.
  - (13) Low benefit amount – The registrant has a monthly food stamp benefit amount of less than \$75.00.
  - (14) Transportation difficulties – The registrant has no access to any mode of transportation or lives too far away (i.e. a round trip to and from the FSET program site or potential employer exceeds two hours by reasonable public or private transportation).
- B. Determine individual exemptions on a case-by-case basis and review the exemption at the time of recertification or every 6 months whichever is earlier.

### 130.6 Categorical Exemptions (Remote Areas)

Maryland exempts recipients of food stamps from participation in the FSET program in 6 counties. Job opportunities and public transportation in these counties are scarce and residents are isolated from areas that contain greater opportunities for employment. Allegany, Garrett, Somerset, Washington, Wicomico and Worcester Counties are designated as remote. (This designation may be lifted for those counties that wish to operate an FSET program.)

### 130.7 Local Department Responsibility

- A. Register for work each household member not exempt under the criteria listed in 130.4 either by completing work registration form DHR 711A or appropriate CARES or FSET MIS screens.
- B. Upon determining that an applicant or household member is required to register for work, explain and provide in writing to the applicant:
  - (1) Pertinent work requirements,
  - (2) Rights and responsibilities of work registered household members, and

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**130.7 Local Department Responsibility (continued)**

- (3) Consequences of failure to comply.
- C. Permit the applicant to complete work registration for each household member required to register for employment.
- D. Screen each work registrant to determine if it is appropriate to refer the individual to an FSET component.
- E. If appropriate, refer the individual to an FSET component.
- F. Upon entry into each component tell the registrant, either orally or in writing, the requirements of the component, what will constitute noncompliance and the sanctions for noncompliance.
- G. Initiate conciliation procedures as described in Section 130.11C upon determining that an individual has not complied with an FSET requirement.
- H. Issue a notice of adverse action no later than the last day of the conciliation period.
- I. If the notice of adverse action was issued prior to the end of the conciliation period and the case manager verifies that compliance was achieved by the end of the conciliation period, the notice of adverse action may be cancelled.

**130.8 Food Stamps Employment and Training Program Voluntary Participants**

- A. If an individual is exempt under the criteria described in 130.4 and wishes to participate in the Food Stamp Employment and Training Program (FSET), the individual is considered a volunteer participant.
- B. Inform the volunteer what services the FSET program provides. Work Register the individual either on CARES, FSET MIS or by DHR 711A.
- C. Volunteers are not subject to sanctions for non-compliance with FSET requirements.

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### **130.9 Food Stamp Employment and Training Program Requirements.**

#### **A. Work registrants shall:**

- (1) Participate in the FSET component to which they are assigned. Requirements of the FSET program may vary for individual participants depending on their training needs, job readiness and availability of employment for which they may qualify.
- (2) Provide any requested information regarding employment status or availability for work to the local department or FSET component program.
- (3) Report to an employer when referred by the FSET program if the employment is suitable as described in 130.14.

#### **B. FSET (non-ABAWD) program requirements include:**

- (1) Independent Job Search
- (2) Group Job Search
- (3) Remedial Education
- (4) Vocational Training
- (5) Work Experience governed by the Fair Labor Standards Act (FLSA) requirements
- (6) Workfare

### **130.10 Loss of Exemption Status**

- A. Register for employment any individual who loses exemption status due to any change in circumstances that is subject to reporting requirements, such as loss of employment or change in household composition, when the change is reported.
- B. Register individuals who lose their exemption status due to a change not subject to the reporting requirements at the household's next recertification.

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### **130.11 Failure to Comply**

**A. Individuals** who are required to register for work are ineligible if they:

- (1) Refuse without good cause to participate in an assigned employment and training component,
- (2) Refuse without good cause to provide any requested information regarding employment status or availability for work,
- (3) Refuse without good cause to accept an offer of suitable employment,
- (4) Voluntarily and without good cause quit a job, or
- (5) Voluntarily and without good cause reduce work effort and after the reduction work less than 30 hours per week.

**B. An individual** who fails to comply with work requirements is ineligible for the following periods of time:

- (1) First violation - one month or the date of compliance, whichever is later.
- (2) Second violation - three months or the date of compliance, whichever is later.
- (3) Third or subsequent violation - 6 months or the date of compliance, which ever is later.

**C. Conciliation Period.**

- (1) A conciliation period will begin the day following the date the local department learns of the noncompliance with FSET requirements.
- (2) The conciliation period will continue for a period not to exceed 30 calendar days. The purpose of the conciliation effort is to:
  - (a) Determine the reason the work registrant did not comply with the E&T requirement, and
  - (b) Provide the non-complying individual an opportunity to comply prior to the issuance of the notice of adverse action



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### 130.11 Failure to Comply (continued)

- (3) Within this conciliation period, at a minimum, contact the non-complying household member to determine the reasons for non-compliance and determine if good cause exists as described in Section 130.12.
- (4) If good cause does not exist, inform the household member of
  - (a) The pertinent FSET requirements,
  - (b) The consequences of failing to comply,
  - (c) The actions necessary for compliance, and
  - (d) The date by which compliance must be achieved to avoid the notice of adverse action. This date may not exceed the end of the conciliation period.
- (5) To avoid the notice of adverse action, the non-complying household member must perform a verifiable act of compliance, such as attending a job search training session or submitting a report of job contacts as required by the local department.
- (6) If it is apparent that the individual will not comply with the FSET requirement (i.e. the individual refuses to comply and does not have good cause), the case manager may end the conciliation period early and issue the notice of adverse action. Document the refusal in the case record narration.
- (7) If the work registrant does not comply during the conciliation period, issue a notice of adverse action no later than the last day of the conciliation period. If the notice of adverse action was issued prior to the end of the conciliation period and the case manager verifies that compliance was achieved by the end of the conciliation period, the case manager may cancel the notice of adverse action.

#### D. Refusal or Failure to Comply with Work Requirements other than Food Stamp Employment and Training Requirements.

- (1) If an individual refuses or fails to comply with any work requirements other than the FSET requirements, determine if good cause exists.
- (2) Within 10 days of a determination that noncompliance was without good cause, provide the household with a notice of adverse action.

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### 130.11 Failure to Comply (continued)

(3) The notice of adverse action must:

- (a) Include the particular act of noncompliance committed,
  - (b) Include the proposed period of the disqualification and
  - (c) Specify that the individual may reapply at the end of the disqualification period, and
  - (d) Include on or with the notice a description of the action the customer may take to end or avoid the sanction and procedures for ending the disqualification.
- (4) Begin the disqualification period with the first month following the expiration of the adverse action period, unless a fair hearing is requested.

#### E. Appeals.

- (1) Each individual or household has a right to request a fair hearing to appeal the denial, reduction or termination of benefits due to a determination of nonexempt status, or a local department determination of failure to comply with work registration or E&T requirements.
- (2) Individuals may also appeal the local department actions such as the determination of exemption status, the type of requirement imposed, or local department refusal to make a finding of good cause if the individual believes that a finding of failure to comply has resulted from improper decisions in these matters.

#### F. Failure to Comply with a Work Requirement under TCA or Unemployment Compensation.

- (1) When a household member is exempt from work registration because the member is registered for work under Temporary Cash Assistance (TCA) or unemployment compensation and fails to comply with a work requirement comparable to a food stamp work registration or FSET program requirement, treat the individual as though the member failed to comply with the corresponding food stamp requirement.
- (2) Provide the household with a notice of adverse action within 10 days after learning of the household member's noncompliance with the unemployment compensation or TCA work requirement.

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#### 130.11 Failure to Comply (continued)

- (3) Do not disqualify an individual if the non-complying household member meets one of the other work registration exemptions.
- (4) A TCA or unemployment compensation work requirement is **not** comparable if it places responsibilities on the household which exceed those imposed by the food stamp work registration or employment and training program requirements.
- G. The penalty applies only to the non-complying individual. If the household member who failed to comply joins another household, the individual is considered an ineligible household member in the new household.

#### 130.12 Good Cause for FSET

- A. The case manager is responsible for determining good cause in instances where the household member has failed to comply with the work registration, FSET program, and voluntary quit requirements. Consider the facts and circumstances, including information submitted by the FSET program, the household member and any employer involved.
- B. Good cause includes circumstances beyond the household member's control such as, but not limited to (see also 130.20):
  - (1) Illness
  - (2) Illness of a household member requiring the presence of the registrant
  - (3) A household emergency
  - (4) The unavailability of transportation
  - (5) Lack of adequate child care for children who have reached the age of one but who are age 12 or under, or
  - (6) Problems caused by inability of a work registrant to speak or write English.

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### **130.13 Ending a Disqualification**

- A. Following the end of the disqualification period for noncompliance with work requirements, participation may resume if a disqualified individual applies again and is determined eligible.
- B. An individual who fails to comply with work requirements is ineligible for the following periods of time:
  - (1) First violation - one month or the date of compliance, whichever is later.
  - (2) Second violation - three months or the date of compliance, whichever is later.
  - (3) Third or subsequent violation - 6 months or the date of compliance, which ever is later.
- C. Eligibility may be established during a disqualification period if the disqualified household member becomes exempt from the work requirements.

### **130.14 Suitable Employment.** Employment is considered suitable if the following conditions exist:

#### **A. Earnings**

- (1) The wages offered are equal to or more than the federal minimum wage,
- (2) The employment offered is on a piece-rate basis and the average hourly yield the employee can reasonably expect to earn is equal to or more than the federal minimum wage.

#### **B. Union Membership**

The household member, as a condition of employment, or continuing employment, is not required to join, resign from, or refrain from joining any legitimate labor organization.

#### **C. Strikes**

The work offered is not at a site subject to a strike or lockout at the time of the offer, unless the strike has been enjoined under §208 of the Labor-Management Relations Act (29 U.S.C. 78 commonly known as the Taft-Hartley Act), or unless an injunction has been issued under § 10 of the Railway Labor Act (45 U.S.C. 160).

**130.15 Registrant Proof of Unsuitability.** Employment is considered suitable unless the household member can demonstrate, or the case manager becomes aware that:

- A. The degree of risk to health and safety is unreasonable.
- B. The member is physically or mentally unfit to perform the employment, as established by documentary medical evidence or reliable information obtained from other sources.
- C. The employment offered within the first 30 days of registration is not in the member's major field of experience.
- D. The distance from the member's home to the place of employment is unreasonable considering the expected wage and the time and cost of commuting. Employment is not considered suitable if:
  - (1) Daily commuting exceeds 2 hours per day, not including transporting children to and from day care facilities, or
  - (2) The distance to employment prohibits walking and neither public nor private transportation is available to transport the member to the job site.
- E. The working hours or nature of the employment interferes with the member's religious observances, convictions or beliefs.

**130.16 Participation of Strikers**

Strikers whose households are eligible under Section 101 are subject to work registration requirements unless exempt under 130.4.

**130.17 Voluntary Quit**

- A. An individual is ineligible if the individual voluntarily quit a job without good cause.
- B. To be considered a voluntary quit the following conditions must exist:
  - (1) The job was 20 hours or more per week or provided weekly earnings at least equivalent to the federal minimum wage multiplied by 20 hours.
  - (2) The quit happened within 60 days prior to application or anytime thereafter; and
  - (3) The quit was without good cause.

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### 130.18 Determination of Voluntary Quit

- A. When a household files an application or when a participating household loses a source of income, determine if any currently unemployed household member quit his or her job under the conditions described in Section 130.17. Do not delay benefits pending this determination.
- B. An employee of the federal, state or local government who participates in a strike against the government and is dismissed from his or her job because of participating in the strike is considered to have voluntarily quit the job without good cause.
- C. The following situations are not considered a voluntary quit:
  - (1) If an individual quits a job, secures new employment at comparable wages or hours and is then laid off or, through no fault of his own, loses the new job, the earlier quit will not form the basis for disqualification.
  - (2) Changes in employment status resulting from an employer initiated reduction in hours of employment, termination of a self-employment enterprise, or a resignation from a job at the demand of the employer are not considered voluntary quit.
- D. For an applicant household, determine whether any unemployed household member (i.e. employed less than 20 hours per week or receiving less than weekly earnings equivalent to the federal minimum wage multiplied by 20 hours), who is required to register for work or who is exempt because the individual is working a minimum of 30 hours weekly or receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours, has voluntarily quit a job within the last 60 days. If the case manager learns that a household member has lost a source of income after the date of application but before the household is certified, the case manger must determine whether a voluntary quit occurred.
- E. Determine if any household member voluntarily quit a job while participating in the Food Stamp Program, within 60 days prior to application, or in the time between application and certification. If the household member is already participating when a quit that occurred prior to certification is discovered, consider the individual as participating in the FS Program for the purpose of imposing the penalty.

130.18 Determination of Voluntary Quit (continued)

F. Applicant Households.

(1) In the case of an applicant, upon a determination that an individual voluntarily quit employment, determine if the voluntary quit was with good cause as defined at 130.19. If the voluntary quit was not for good cause, the individual is ineligible for the following periods of time from the date of the quit:

- (a) First violation - one month or the date of compliance, whichever is later.
- (b) Second violation - three months or the date of compliance, whichever is later.
- (c) Third or subsequent violation - 6 months or the date of compliance, which ever is later.

(2) Advise the household of :

- (a) The reason for the denial of benefits for the individual,
- (b) The length of the disqualification,
- (c) The individual's right to reapply at the end of the disqualification period, and
- (d) The individual's right to a fair hearing.

G. Participating Households.

(1) If an individual in a participating household is found to have voluntarily quit a job without good cause, provide a notice of adverse action within 10 days after determination of the quit. The notice shall:

- (a) Contain the particular act of non-compliance,
- (b) Contain the proposed period of ineligibility,
- (c) Contain the actions that may be taken to end or avoid the disqualification, and
- (d) Specify that the individual may reapply at the end of the disqualification period.

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### 130.18 Determination of Voluntary Quit (continued)

#### (2) Voluntary Quit at the end of a Certification Period.

- (a) If a voluntary quit occurred in the last month of a certification period or is determined in the last 30 days of the certification period, deny the recertification application for the appropriate period of time beginning with the day after the last certification period ends.

**Example:** Mr. A's certification period ends April 30. He reapplies for recertification on April 15. At that time the case manager finds that he voluntarily quit his job on April 3 and denies the application. Since this is his second work requirement sanction, he is ineligible for three months or until the date of compliance whichever is later.

- (b) If the household does not apply for food stamp benefits by the end of the certification period, establish a claim for the benefits received by the household for the length of the penalty, as described in section 130.11 B, beginning the first of the month after the month in which the quit occurred.

**Example:** On May 15 the case manager discovered that Mr. B quit a job on March 4<sup>th</sup>. This is his second violation. Mr. B's certification period ended May 31 and he did not reapply. The case manager establishes a claim for the benefits received in April and May. Mr. B is not eligible until the later of July 1 or until he complies with the work requirements.

- H. Each household has a right to a fair hearing to appeal a denial or termination of benefits due to a determination that an individual quit a job without good cause. If the participating household's benefits continue pending a fair hearing and the local department determination is upheld, the disqualification period begins the first of the month after the hearing decision is rendered.
- I. The individual disqualified for quitting a job will remain ineligible for the length of the disqualification period even if the individual joins a new household.
- J. If an application for food stamps is filed in the last month of the disqualification period, use the same application for denial of benefits in the remaining month of the disqualification and certification for any subsequent eligible months.



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### **130.19 Exemptions from Voluntary Quit Provisions**

Voluntary quit provisions do not apply to persons who are exempt from the work registration as described in 130.4 at the time of the quit, with the exception of those exempted because the individual is working a minimum of 30 hours per week or receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours.

### **130.20 Good Cause for Voluntary Quit**

Good cause for leaving employment includes the good cause provisions found in 130.12. and resigning from a job that does not meet the suitability criteria in Section 130.14. Good cause for leaving employment also includes:

- A. Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs.
- B. Work demands or conditions that make continued employment unreasonable, such as working without being paid on schedule.
- C. Acceptance of employment, or enrollment of at least half time in any recognized school, training program, or institution of higher education, that requires the individual to leave employment.
- D. Acceptance by any other household member of employment or enrollment at least half time in any recognized school, training program, or institution of higher education in another jurisdiction which requires the household to move and therefore the individual to leave employment.
- E. Resignations by persons under the age of 60 which are recognized by the employer as retirements.
- F. Employment that becomes unsuitable by not meeting the criteria specified in 130.14 after acceptance of the employment.
- G. Acceptance of a bona fide offer of employment of more than 20 hours a week or in which the weekly earnings are equivalent to the federal minimum wage multiplied by 20 hours which, because of circumstances beyond the control of the wage earner, either does not materialize or results in weekly earnings of less than the federal minimum wage multiplied by 20 hours.

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#### **130.20 Good Cause (continued)**

- H. Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another such as migrant farm labor or construction work. There may be some circumstances where households will apply for food stamps between jobs particularly in cases where work may not yet be available at the new job site. Even though employment at the new site has not actually begun, leaving the previous employment is considered good cause if it is a part of the pattern of that type of employment.

#### **130.22 Verification**

- A. When the information given by the household is questionable, request verification of the household's statements.
- B. The household has the primary responsibility for providing the verification. If it is difficult or impossible for the household to obtain documentary evidence in a timely manner, offer assistance to the household to obtain the verification.
- C. Acceptable sources of verification include, but are not limited to, the previous employer, employer associations, union representatives, and grievance committees or organizations. Whenever documentary evidence cannot be obtained, substitute a collateral contact. The local department is responsible for obtaining verification from acceptable collateral contacts provided by the household.
- D. Do not deny food stamp eligibility, if the household and local department are unable to obtain requested verification because the cause for the quit resulted from circumstances that for good reason cannot be verified. These reasons include, but are not limited to, resignations from employment due to discriminatory practices or unreasonable demands by an employer or because the employer cannot be located.

#### **130.23 Ending a Voluntary Quit Disqualification**

- A. Following the end of the disqualification period an individual may begin participation in the Food Stamp Program if the individual applies again and is determined eligible.
- B. The individual may re-establish eligibility during a disqualification period if the violator becomes exempt from work registration except for reasons of TCA work registration or receipt of unemployment compensation.

**130.24 Able Bodied Adults without Dependents**

- A. Able-bodied recipients age 18-47 (dropped from age 50 due to the FNS 15% exemption) with no dependents are ineligible for food stamps unless they meet a special work requirement. These individuals can receive food stamp benefits for only three months (consecutive or otherwise) in every 36 month period unless they:
- (1) Work at least 20 hours per week (averaged monthly),
  - (2) Participate in and comply with a Job Training and Partnership 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) Participate in remedial education for 20 hours per week,
  - (4) Participate in vocational training for 20 hours per week, or
  - (5) Participate in a work experience program governed by the Fair Labor Standards Act (FLSA) requirements.
  - (6) Participate in a Workfare program
- B. An individual is exempt from this requirement if:
- (1) Under 18 or over 47 years of age
  - (2) Physically or mentally unfit for employment (must be verified)
  - (3) Responsible for the care of a dependent child. A dependent child is an individual who is under age 18, or is under age 20 and included in a TCA grant as a child.
  - (4) Pregnant
  - (5) Otherwise exempt from food stamp statutory work requirements (the categorical and individual exemptions do not apply) as described in 130.4.
- C. Anyone denied eligibility under this new work rule can regain eligibility, if during a 30-day period the individual:
- (1) Works 80 hours or more, or

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**130.24 Able Bodied Adults without Dependents (continued)**

- (2) Participates and complies with a qualifying work program as described in section 130.24A, or
  - (3) Participates in a Workfare program.
- D. If the employment or participation in a work program ends, participation can continue for up to 3 consecutive months beginning from the date the local department is notified of the change. At the end of the second 3-months of eligibility, the only cure during the 36-month period will be to comply with the work requirement as described in 130.24A or to become exempt as described in 130.24B.
- E. Food stamps received do not count toward the 3-month limit if:
  - (1) The individual is exempt from this requirement
  - (2) The individual lives in an area that the Food and Nutrition Service has given a waiver due to a high unemployment rate, designation as a labor surplus area, insufficient employment opportunities, or part of the FNS 15% exemption. (The remote exemption does not meet the criteria for this exemption.) The exempt jurisdictions are:
    - (a) Dorchester County
    - (b) Garrett County
    - (c) Somerset County
    - (d) Allegany County
    - (e) Cecil County
    - (f) Worcester County
    - (g) Anne Arundel County
    - (h) Kent County
    - (i) Baltimore City
  - (3) The individual is receiving the second three months of benefits after regaining eligibility because employment or participation in a work program ended.
- F. The 36-month count began November 1, 1996, for individuals who were participating in the Food Stamp Program on that date.
- G. The 36-month count for individuals, who were not receiving food stamps as of November 1, 1996, begins upon eligibility for food stamps after the November 1 implementation date.
- H. 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.

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### 130.25 ABAWD Policy Examples

#### A. Eligibility

- (1) Unless otherwise exempt, an ABAWD may receive a maximum of "Free 3 months" 2 times in a 36 month period.
- (2) 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.

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

#### B. Subsequent eligibility

##### (1) 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.

##### (2) 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

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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.

#### (3) 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).

- (4) 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

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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.

#### (5) 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

- (1) working 20 hours per week averaged monthly, or
- (2) participating in and complying with the requirements of a work program for 20 hours or more per week, or

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(3) participating in and complying with the requirements of a workfare program. The "window of opportunity" remains open for 3 consecutive months.

**(1) 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 she 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.