

|   |   |        |
|---|---|--------|
| <b>DEPARTMENT OF HUMAN RESOURCES<br/>FAMILY INVESTMENT ADMINISTRATION</b> | <b>FOOD SUPPLEMENT<br/>PROGRAM MANUAL</b> |        |
| ABAWDS  | Section 106                               | Page 1 |

## 106.1 Purpose

On January 1, 2016, the Food Supplement Program policy waiver on Able-Bodied Adults Without Dependents ended and ABAWD policy was re-implemented nationwide. ABAWD policy states that in order to receive FSP benefits for more than three months in a 36-month period, the customer must be working or participating in an approved activity for 20 or more hours per week. States may request an annual waiver for local jurisdictions that have a high unemployment rate or a labor surplus. In Calendar Year 2017, the ABAWD policy is waived in 13 jurisdictions: Allegany, Baltimore City, Caroline, Cecil, Dorchester, Garrett, Harford, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester Counties.

## 106.2 General Information

ABAWD requirements apply to the local departments that are not among the waived counties listed in section 106.1 above. In the sixteen jurisdictions without a waiver, individuals identified as ABAWDs are eligible to receive only 3 months of FSP benefits in a 36-month period unless they meet certain work requirements.

- A. Screening can identify reasons why an individual is exempt from the ABAWD rules.
- B. Individuals screened as ABAWD eligible will have three "free" months of FSP benefits then must meet the work requirements.

Information on ABAWDs is tracked in CARES, WORKS and ABAWD Direct. While pertinent information coded in CARES is transmitted into WORKS and ABAWD Direct, there is no connectivity between WORKS and ABAWD Direct. Therefore, it is critical that required ABAWD data is coded into CARES to ensure the other two systems are updated appropriately.

- A. Proper coding of CARES, WORKS and ABAWD Direct screens for all individuals ensures that appropriate exemptions are allowed and that customers identified as ABAWDs are issued only 3 months of benefits if not complying with the work requirements.
- B. Proper coding also helps ensure that our state and federal reporting is accurate.

**NOTE:** Remember that if the coding is not correct in the systems and verification is not scanned into ECMS, it is the same as if it doesn't exist.

|   |   |        |
|---|---|--------|
| <b>DEPARTMENT OF HUMAN RESOURCES<br/>FAMILY INVESTMENT ADMINISTRATION</b> | <b>FOOD SUPPLEMENT<br/>PROGRAM MANUAL</b> |        |
| ABAWDS  | Section 106                               | Page 2 |

### 106.3 Screening

Screening is critical to the successful implementation of ABAWD policy. Identifying customers who are not subject to ABAWD requirements can help local departments reduce the number of customers who must be tracked every week and monitored for compliance with FSP work requirements. If FSP benefits are not paid to a customer who is eligible or are paid to a customer who is ineligible due to ABAWD rules, those payment errors will count in our Quality Control payment error rate.

- A. ABAWD counties must use an automated screening tool in their PIRAMID/ABAWD folders to screen each individual identified as a potential ABAWD through an automated CARES query, then code CARES with the information from the tool.
- On the screening tool, it is important to answer every question for the existing FSP recipients and new applicants based on a thorough review of systems (CARES, ECMS, MABS, SVES and The Work Number).
  - If the questions cannot be answered using those systems, then the case manager must contact the customer.
  - A telephone interview is the preferred way to contact customers; if an in-office appointment is needed, use the Appointment Letter in the ABAWD GENERATOR.
  - The screening tool asks the following questions. Most questions are answered YES or NO in a dropdown box and several ask for additional information.
1. Does the customer have a child or children younger than 18 living with him or her?
    - The child must live in the household with the ABAWD.
      - Joint custody is considered living in the household, if the child is actually living with the parent and not just visiting.
    - The child must be considered part of the FSP household, but is ineligible to receive benefits.
      - The child could be an ineligible alien and ineligible to receive benefits with the other parent or the child is disqualified from receiving FSP benefits.
      - The child could be on FSP in another household.
    - Enter the age of the youngest child in the yellow box if you check YES to question 1.
    - If the child turns 18 during the certification period, the case manager should create a CARES 745 alert as a reminder. The child as well as the parent(s) will be subject to ABAWD rules when the youngest child turns 18.

|   |                                   |        |
|---|-----------------------------------|--------|
| DEPARTMENT OF HUMAN RESOURCES<br>FAMILY INVESTMENT ADMINISTRATION | FOOD SUPPLEMENT<br>PROGRAM MANUAL |        |
| ABAWDS  | Section 106                       | Page 3 |

### 106.3 Screening (continued)

2. Is the customer disabled? Either a long term or short term disability (90 days or more) will exempt the customer. If the disability is obvious, the case manager does not need verification.
3. Is the customer receiving any type of disability payment? What kind?
  - Select the type of disability payment from the drop-down box.
  - Is the information in CARES?
4. Is the customer caring for a disabled person in the home?
5. Has the customer applied for or is the customer receiving unemployment?
  - Check MABS to see. If the customer filed an out of state claim, contact the customer for verification.
6. Is the customer pregnant?
  - The number of weeks or which trimester does not matter.
7. Is the customer employed or self-employed - regular employment must be 20 hours per week. Self-employment must be a minimum of 30 hours per week.
  - Enter the number of hours that are verified (remember to look in ECMS, WORKS and/or The Work Number)
8. Is the customer participating in drug or alcohol treatment?
  - There is no required number of hours.
9. Is the customer participating in an approved work activity for at least 20 hours per week?
10. Is the customer attending an accredited school at least half time?
  - Customers must also meet student status requirements to receive FSP benefits if they are attending school.
  - If the answer to any question on the screening tool is YES, the screening tool will return a result indicating that the customer is “Not an ABAWD.” Regardless of the result, save the file as a .pdf and upload it to ECMS.
  - When the customer is not an ABAWD due to a disability, verify the disability using the Verification of Disability form (FIA500a). An obvious or an otherwise known disability does not require verification. Narrate the type of disability exemption in CARES.

**NOTE:** the ABAWD time limit does not apply to a customer receiving temporary or permanent disability benefits from governmental or private sources. These customers are considered certified as physically or mentally unfit for employment

|   |                                   |        |
|---|-----------------------------------|--------|
| DEPARTMENT OF HUMAN RESOURCES<br>FAMILY INVESTMENT ADMINISTRATION | FOOD SUPPLEMENT<br>PROGRAM MANUAL |        |
| ABAWDS  | Section 106                       | Page 4 |

### 106.3 Screening (continued)

for ABAWD purposes. This exception to the time limit also includes customers that receive U.S. Department of Veterans Affairs (VA) disability compensation, **regardless** of disability rating.

- Code CARES correctly with the information from the screening tool. Narrate very clearly and thoroughly that the customer was screened, the date of the screening and the result of the screening.
- **If the customer is identified as an ABAWD, shorten the current certification period to ensure the individual receives only 3 countable months of benefits.**

### 106.4 Counting Three Free Months

Food Supplement Program policy allows the first three months of FSP benefits an ABAWD receives to be “free” of the work requirement. The customer does not have to work or participate in a work activity to receive FSP benefits, if otherwise eligible. After those three months, the ABAWD must meet work requirements in addition to eligibility requirements to continue to receive FSP benefits. As ABAWDs are eligible for only three “free” months of benefits during the fixed 36-month period from January 1, 2016 – December 31, 2018, we must identify those months very carefully. Here are the rules:

- Free months are months during which an ABAWD receives Food Supplement benefits for a full benefit month without meeting the work requirement.
- A prorated month does not count as one of the three free months of eligibility.
- A free month can occur at any time during the fixed 36-month period, that is, the free months do not need to be consecutive.
- If a customer is ineligible to receive FSP due to ABAWD rules, even Expedited FSP is denied.

**Example:** Mr. C applies for Food Supplement benefits on July 6, 2016 and is screened as an ABAWD who does not work and is not participating in a work activity. The case manager approves his application on July 10, suppresses the CARES approval notice and mails him the special ABAWD Approval notice, located in the office’s PIRAMID/ABAWD folder. The case manager assigns a three-month certification period through October 31, 2016. (July does not count as one of the three free months because it is a prorated month.) His case manager informs him about the work requirements and refers him to an activity. He meets the work requirement in August but then does not meet it in September. September is counted as his first “free” month.

|   |   |        |
|---|---|--------|
| <b>DEPARTMENT OF HUMAN RESOURCES<br/>FAMILY INVESTMENT ADMINISTRATION</b> | <b>FOOD SUPPLEMENT<br/>PROGRAM MANUAL</b> |        |
| ABAWDS  | Section 106                               | Page 5 |

## 106.5 Meeting Work Requirements

When screening identifies a customer as an ABAWD, shorten the certification period and advise the customer that they will receive FSP for only 3 months unless they meet the work requirements. The work requirements are:

- Working at least 80 hours per month, averaged to 20 hours per week.  
If self-employed, working at least 120 hours per month, averaged to 30 hours per week.
- Participating in and complying with a Workforce Innovation and Opportunity Act (WIOA) program, Trade Adjustment Assistance Act program, or Food Supplement Employment and Training program (other than job search or job search training program) for 20 hours per week.
- Participating in a work experience program governed by the Fair Labor Standards Act (FLSA) requirements. If FLSA prevents 20 hours of work experience, another activity must make up the difference between the work experience hours and an average of 20 hours a week.
- Participating in a Workfare program governed by FLSA requirements.
- Volunteering at a non-profit organization for a minimum of 20 hours per week.
- Any combination of the above for a total of 20 hours per week except Workfare activities governed by the FLSA.

**NOTE:** ABAWD customers follow simplified reporting requirements **and** must report if their participation hours drop below an average of 20 hours per week. ABAWD customers must also verify weekly participation in a work activity or job. DHR has created the Verification of Participation form (FIA 500b) to help with this verification.

## 106.6 Regaining Eligibility

When a customer has already received his or her “free” three months of benefits and is not exempt or meeting the work requirements, close the case, using the Closing Letter in the ABAWD GENERATOR.

- The letter explains how the customer can re-apply to regain eligibility.
- The customer must work or participate in a work activity or volunteer for a non-profit for an average of 20 hours per week (or 30 hours if self-employed, at the federal minimum wage) for a minimum of 80 hours per month (or 120 hours per month if self-employed) before regaining eligibility.
- As long as the customer continues to meet the requirements, the customer is eligible for continued FSP benefits.

If the customer stops meeting the work requirements again, he or she is eligible for only three months of benefits, beginning the next month.

|   |   |        |
|---|---|--------|
| <b>DEPARTMENT OF HUMAN RESOURCES<br/>FAMILY INVESTMENT ADMINISTRATION</b> | <b>FOOD SUPPLEMENT<br/>PROGRAM MANUAL</b> |        |
| ABAWDS  | Section 106                               | Page 6 |

## 106.6 Regaining Eligibility (continued)

**Example:** Ms. Forrester received her first three “free” months of benefits in January 2016, and then in April 2016, and May 2016. Her FSP case closed on May 31st because she was not meeting FSP work requirements. In July, Ms. Forrester reapplied for FSP benefits. She verified that she worked 40 hours per week in June and is still employed. Ms. Forrester is eligible for FSP benefits. In August, Ms. Forrester is laid off of work and is not eligible for Unemployment Insurance. She is eligible for her second three “free” months of benefits in September 2016, October 2016 and November 2016. She must meet ABAWD work requirements to continue to receive benefits after that time. If she finds a new job and meets the work requirements, those months would not count as “free” ones.

**Customers must comply with work requirements before receiving any FSP benefits after receiving the initial “free” three months.**

## 106.7 Reporting Changes

ABAWDs are subject to simplified reporting with the exception of reporting when their work hours drop below 20 hours per week. Also, ABAWDs must verify their weekly activity hours.

## 106.8 Good Cause

There are temporary good cause reasons for failing to fulfill work requirements. The individual must have been participating a minimum of 20 hours per week and expect to continue participating except the good cause situation occurred.

- If a recipient would have participated or worked an average of 20 hours per week, but missed some time for a good cause, consider the individual to have met the work requirement if the absence is temporary and the individual keeps the job or continues in the work activity.
- Case managers must narrate thoroughly in CARES why good cause was granted.
- The good cause reason must also be recorded for any month it is relevant in the ABAWD GENERATOR file. Verification is required only if the situation is questionable.
- 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.

|   |   |        |
|---|---|--------|
| <b>DEPARTMENT OF HUMAN RESOURCES<br/>FAMILY INVESTMENT ADMINISTRATION</b> | <b>FOOD SUPPLEMENT<br/>PROGRAM MANUAL</b> |        |
| ABAWDS  | Section 106                               | Page 7 |

### **106.9 Benefits Received in Error**

If a customer who is subject to the ABAWD work requirement incorrectly receives Food Supplement benefits, the local department will consider the benefits to have been overpaid. The customer must to repay the value of any FSP benefits received in error regardless of whether it is the agency's fault or the customer's fault. Process the Benefit Error Group (BEG) in CARES. For detailed procedures on overpayments, please see Section 490 of this manual on Claims.