



MARYLAND DEPARTMENT OF HUMAN SERVICES
 Department of Human Services
 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 AND CASE MANAGERS**

FROM: NICHOLETTE SMITH-BLIGEN, EXECUTIVE DIRECTOR

**RE: ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWDS) POLICY
 CLARIFICATIONS AND REMINDERS**

PROGRAM AFFECTED: FOOD SUPPLEMENT PROGRAM

ORIGINATING OFFICE: OFFICE OF PROGRAMS AND OFFICE OF OPERATIONS

PURPOSE

In response to a recent Food and Nutrition Service (FNS) review, the Family Investment Administration is clarifying certain able-bodied adults without dependents (ABAWDs) policies and highlighting others to ensure consistency statewide.

SUMMARY OF ABAWD POLICY

On January 1, 2016, the Food Supplement Program (FSP) work requirements resumed after an eight-year statewide waiver for our ABAWD recipients. ABAWDs are defined as individuals aged 18 through 49 who must meet work requirements to be eligible for FSP benefits. Individuals who are under 18 years old or 50 years old or older are exempt from ABAWD requirements. ABAWDs are potentially eligible to receive FSP benefits for only three full months (consecutive or otherwise) in a 36-month period unless they comply with the work requirements. Screening is critical to identify customers who are exempt from ABAWD rules due to age, pregnancy, and conditions that render them unfit for work.

POLICY CLARIFICATIONS:

1. Self-Employment Hours

Previous policy

Individuals are required to work 30 or more hours a week if the individuals were self-employed.

Updated policy

Self-employment hours count as work hours under ABAWD policy. An individual meets the required 20 hours weekly, averaged monthly, if the individual works 20 hours or more of self-employment a week.

If the self-employed person works 30 or more hours per week, the individual is exempt from the general work registration requirement.

The following FSP Manual sections were updated and posted on Knowledge Base:

- [104 Self-Employed](#)
- [106 ABAWDs](#)
- [130 Work Requirements](#)

POLICY REMINDERS:

1. ABAWD Age Designation

ABAWD time limit does not apply to an individual if she/he is under 18 or 50 years or older.

FIA's ABAWD notices stated that participants' benefits are limited to three months unless they are "under 18 years old or older than 49 years old." This was interpreted by some case workers to mean a person who was 49 years and one day old is exempt. This is an incorrect interpretation.

To prevent further confusion, FIA will change all language referring to the ABAWD exemption ages to "under 18 or 50 years or older."

2. Student Eligibility for Potential ABAWDS

An individual who is enrolled at least half-time in an institution of higher education shall be ineligible to participate in FSP *unless* the individual qualifies for one of the exemptions listed in FSP Manual Section 102.2:

- a. Persons age 17 or younger or age 50 or older;
- b. Persons with a physical or mental disability;
- c. Persons attending high school;
- d. Persons receiving Temporary Cash Assistance (TCA);
- e. Persons employed for a minimum of 20 hours per week and paid for the employment or, if self-employed, employed for a minimum of 20 hours per week and receiving weekly earnings at least equal to the federal minimum wage multiplied by 20 hours;
- f. Persons participating in on-the-job training programs (a person is considered to be participating in an on-the-job training program only during the period of time he or she is being trained by the employer);
- g. Persons participating in the Job Opportunities and Basic Skills program under Title IV of the Social Security ACT or its successor program;
- h. Persons participating in a state or federally financed work study program during the regular school year (see 102.3 for the definition of work study);
- i. Persons responsible for the care of a child under age 6;
- j. Persons responsible for the care of a child between ages 6 and 12 when adequate child care is not available for the student to attend class and work 20 hours per week or participate in a state or federally financed work study program;
or,
- k. Persons who are voluntarily participating in the FSP Employment and Training Program, a program under the Job Training Partnership Act of 1974, a program under section 236 of the Trade Act of 1974, or an employment and training program for low-income households that is operated by a state or a local government where one or more of the components of the program is at least equivalent to an acceptable food stamp employment and training program component as specified in 7CFR § 273.7(e)(1).

A case manager **cannot** exempt a customer from the ABAWD time limit for being a student enrolled at least half-time without verifying that the customer meets one of the student exemptions.

FIA TRAINING

FIA's Bureau of Training will upload onto The HUB a recorded presentation on this policy by March 30, 2018.

INQUIRIES

Please direct policy questions to fia.policy@maryland.gov.

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