

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
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## 106.1 Purpose

On January 1, 2016, the Supplemental Nutrition Assistance 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 SNAP benefits for more than three months in a 36-month period that began January 1, 2016, the customer must be working or participating in an approved activity for 20 or more hours per week. Maryland obtained approval from the federal Food and Nutrition Service (FNS) to waive implementation of the changes for 12 high unemployment or labor surplus areas. In addition to the waivers, Maryland is also able to exempt some ABAWD individuals through a category of exemption called “the 15% exemptions”.

## 106.2 General Information

ABAWD requirements apply to the local departments that are not among the waived counties. In the jurisdictions without a waiver, individuals identified as ABAWDs are eligible to receive only 3 months of SNAP benefits in the 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 SNAP benefits then must meet the work requirements.

Information on ABAWDs is tracked in CARES, WORKS and ABAWD Direct. The local departments that operate under the ABAWD policy track and manage their customers’ status in ABAWD Direct. Use of ABAWD Direct is required because CARES functionality is limited, and we must generate the notices manually, not through CARES. 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.

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### 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 SNAP work requirements. If SNAP 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.

ABAWD counties must use the automated screening tool in their PIRAMID/ABAWD folders to screen each individual identified through an automated CARES query as a potential ABAWD, then code CARES with the information from the tool. A paper copy is available for DHS's SNAP outreach partners and other community partners, who assist us with screening when they complete an application for a customer requesting SNAP benefits. Our community partners see customers in different situations and often know details about their circumstances.

- A. On the screening tool, it is important to answer every question for the existing SNAP 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 ABAWD Direct.
  
- B. 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 SNAP 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 SNAP 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 SNAP benefits.
      - The child could be on SNAP in another household.

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- 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.
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 20 hours a week to meet the ABAWD requirement, but if it is less than 30 hours per week the ABAWD must complete SNAP work registration.
    - 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 SNAP benefits if they are attending school.

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- 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 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.
- Regardless of the result, save the screening tool file as a .pdf and upload it to ECMS. There is no need to print the result.
- **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 Certification Period

CARES automatically assigns a 6-month certification; however, for ABAWD customers, the case manager must shorten it to a 4-month certification period. This is because by federal law, ABAWDs are eligible for only 3 months of benefits within a fixed 36-month period (January 1, 2016 - December 31, 2018) *unless* they meet work requirements.

- Shorten the certification period in CARES to ensure only three months of benefits are issued if the customer is not exempt from ABAWD rules.
- Do not count a pro-rated benefit month as one of the 3 in the 36 months.
- At the end of the certification period, the customer must complete a new application and reapply, even if they are meeting the work requirements.
- To be eligible for a new certification period, the ABAWD customer must continue to meet the work requirements or become exempt from ABAWD requirements.

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Supplemental Nutrition Assistance Program policy allows three months of SNAP 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 SNAP benefits, if otherwise eligible. After those three months, the ABAWD must meet work requirements in addition to eligibility requirements to continue to receive SNAP 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 SNAP 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 SNAP due to ABAWD rules, even Expedited SNAP is denied.

**Example:** Mr. C applies for SNAP 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 ABAWD Direct. 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 does not meet it in September. September is counted as his first “free” month.

## 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 SNAP 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, also working at least 80 hours per month, averaged to 20 hours per week. NOTE: Self employed ABAWDs who are working only 20 hours a week must work register. Working 20 hours a week meets the ABAWD requirement and the customer is eligible for benefits. Self employed ABAWDs who work 30 hours a week are exempt from work registration
- Participating in and complying with a Workforce Innovation and Opportunity Act (WIOA) program, Trade Adjustment Assistance Act program, or SNAP Employment and Training program (other than job search or job search training program) for 20 hours per week.

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- Participating in a work experience program governed by the Fair Labor Standards Act (FLSA) requirements. .
- 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. DHS has created the Verification of Participation form (FIA 500b) to help with this verification.

## 106.6 Verifying Work Activities

A. DHS has created two forms for case managers and community outreach workers to use. Both forms are attached: one is titled Verification of Participation in an Activity (FIA 500b) and the other is Verification of Disability (FIA 500a).

- The Verification of Participation in an Activity form contains two sections that require both the customer and the customer's supervisor to complete. The supervisor's signature is also required in each section.
- The Verification of Disability form contains one section that the customer completes and a second section, which must be completed and signed by a certified, licensed health professional. A physician does not have to sign the form. Examples of acceptable non-physician health care providers include, but are not limited to: Licensed Clinical Social Workers (LCSW), midwives, Registered Nurse Practitioners (RNP), therapists and acupuncturists.

Case managers, as always, should assist the customer in completing his/her portion of the form, if necessary. Completed forms must be returned to the Local Department of Social Services by mail, fax or in-person.

Remember that an obvious or an otherwise known disability does not require verification; case managers have discretion when applying an ABAWD exemption due to a disability. Case managers are required to narrate all actions and include the type of disability exemption in CARES.

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Ongoing verification throughout the certification period is not required. ABAWD customers follow simplified reporting requirements **and** must report if their participation hours drop below an average of 20 hours per week.

Remember that ABAWDs must be screened at each application for employment, participation in an approved activity and potential exemptions.

## **B. Verification Forms**

[VERIFICATION OF PARTICIPATION IN AN ACTIVITY – FIA/500b](#)  
[VERIFICATION OF DISABILITY - FIA/500a](#)

### **106.7 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 ABAWD Direct.

- 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 for a minimum of 80 hours per month (or 120 hours per month if self-employed) *before*
- As long as the customer continues to meet the requirements, the customer is eligible for continued SNAP 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.

**Example:** Ms. Forrester received her first three “free” months of benefits in January 2016, and then in April 2016, and May 2016. Her SNAP case closed on May 31st because she was not meeting SNAP work requirements. In July, Ms. Forrester reapplied for SNAP benefits. She verified that she worked 40 hours per week in June and is still employed. Ms. Forrester is eligible for SNAP 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 SNAP benefits after receiving the initial “free” three months.**

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### **106.8 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.

### **106.9 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.
  - Chronic homelessness that renders the customer unfit for work.

### **106.10 Unfit/Unable to Work due to Chronic Homelessness**

If the applicant or recipient checks "homeless" on the application, or indicates homelessness in response to a verbal question, the customer is potentially "unfit for work" and may be exempt from ABAWD requirements. ABAWD policy does not include homelessness alone as an ABAWD exemption. We must determine if the applicant/recipient's homelessness contributes to his or her inability to work and renders the individual "unfit/unable to work."

DHS has created a screening tool to determine if an individual is subject to the ABAWD policy or is exempt. The case manager should use this tool to determine whether the customer meets the "chronically homeless/unfit for work" criteria. The screening tool includes the following questions:

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1. Are you experiencing homelessness?
2. Do you have reliable access to a telephone number or email address that a potential employer could use to contact you for an interview?
3. Is there an address where we can send you mail and you have reliable access to receive it every day?
4. Do you have daily access to a bathroom, shower/bathtub, soap, shampoo and other personal hygiene products?
5. Do you have reliable access to affordable transportation?
6. Do you have a reliable access to affordable laundry?

If the customer's response is "no" to question one, the additional questions will not be asked, and the customer will be deemed not chronically homeless/unfit for work.

If the customer's response is "yes" to question one, and he or she responds "no" to at least one question 2-6, the customer will be deemed chronically homeless/unfit for work. Narrate carefully how the customer was determined unfit for work, as homelessness in itself is not an exemption.

Document the answers to the questions in narration and if the customer is "chronically homeless and unfit for work," code the Special Circumstances field with HO to indicate homeless and unable to work for SNAP. The ADDR screen should indicate homeless, but indicate a valid mailing address, if the customer has one available.

### **106.11 Exemptions for Veteran's Disability Benefits**

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 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. Therefore, local departments must accept the receipt of VA disability compensation for the purpose of determining and verifying exemption from the ABAWD time limit.

- Case managers must remember that an obvious or an otherwise known disability does not require verification; case managers have discretion when applying an ABAWD exemption due to a disability.
- Case managers are required to narrate all actions and include the type of disability exemption in CARES.

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- Refer veterans to available work program if they **voluntarily** want to work.

### **106.12 Benefits Received in Error**

If a customer who is subject to the ABAWD work requirement incorrectly receives SNAP benefits, the local department will consider the benefits to have been overpaid. The customer must to repay the value of any SNAP 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.