



## SNAP 801-1 ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWD)

### Countable Months/Exemptions

**Supersedes:** SNAP 801-1 (08/01/2021)

**Reference:** 7 CFR 273.7; 7 CFR 273.24; FS Act section 6 (D)(2); 7 CFR 271.2 (3)(i)

**Overview:** GENERAL RULE- ABAWDS are limited to three months of Supplemental Nutrition Assistance Program (SNAP) benefits in a three-year period unless they are:

1. Fulfilling the work requirement as defined in this policy.
2. Meet an exemption as defined in this policy.
3. Covered under a current geographic waiver (SNAP 802-1).
4. Receiving benefits for prorated months.

#### **FULFILLING THE WORK REQUIREMENT:**

1. Employed, either for wages, self-employment enterprise, in-kind services or non-compensation/volunteer or any combination of the above a monthly average of 20 hours per week. (This means a person who worked 80 hours in four weeks would have an average of 20 hours per week for the month.) This must be verified via pay stubs, written statement from the employer, self-employment records, or verbal or written statement from the volunteer organization or individual for whom volunteer work is being done. Unpaid or volunteer work can be provided at religious or community organizations **or for private individuals**. Case notes must be entered to indicate specifically what verification was used.

**NOTE:** For verification of volunteer hours, do not use any form which ties the agency to the volunteer site (i.e., do not use department or state letterhead or a notice). Due to Worker's Compensation concerns, there should be no document that could be considered an agreement between an employer and the department.

**NOTE:** For individuals hired under contract, view the contract to determine the anticipated number of weeks the individual will be working in the position. Then determine the number of hours per week to evaluate this exemption.

2. Participating in and complying with a Title 1 of the Workforce Investment Opportunities Act (WIOA) Program, Section 26 of the Trade Adjustment Assistance Act (TAA) program, or SNAP Employment and Training (SNAP E&T) qualifying activity 20 hours a week, averaged monthly.

**NOTE:** A combination of employment, volunteering or compliance with a work program can be used to meet this requirement. (e.g., 20 hours per week volunteering at the hospital the first two weeks of the month can be combined with 20 hours per week of WIOA the last two weeks of the month to allow for the entire month to meet this requirement.)

### **GOOD CAUSE**

If an individual would have worked an average of 20 hours per week but missed some work for good cause, the individual shall be considered to have met the work requirement if the absence from work is temporary and the individual retains his or her job. Good cause shall include circumstances beyond the individual'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. See SNAP 703-1 for a complete list of good cause circumstances. A 10-day notice requesting verification of good cause is sent when it has been reported or discovered that the ABAWD is no longer meeting the work requirement. This notice must be sent before a Notice of Adverse Action (NOAA). See SNAP 1501-1.

### **EXEMPTIONS:**

Any Work Registration Exemption in 701-1 **OR** one of the following exemptions will exempt an ABAWD from the three month time limit. **If an individual is Work Registration exempt, narrate in case notes that the same exemption applies for ABAWD time limit provision.** If they are not Work Registration exempt, assess whether the individual meets one of the exemptions below:

1. Age 17 or younger. The month following the month of the 18th birthday is the first month counted toward the three month limit unless the individual meets another exemption.
2. Age 51 or older as of 09/01/2023. (The month of the 51<sup>st</sup> birthday counts as an exempt month). As of 10/01/2023 this will change to people aged 53 and older. (The month of the 53<sup>rd</sup> birthday counts as an exempt month).
3. An individual who is homeless. Participants no longer have to be experiencing *chronic homelessness* to receive the exemption. When assessing for this exemption, a homeless individual is defined below.
  - a. *Homeless individual* means an individual who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is:
  - b. A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter).
  - c. A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized.
  - d. A temporary accommodation for not more than 90 days in the residence of another individual; or

- e. A place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings (outdoors, a hallway, a bus station, a lobby, or similar places).
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- 4. Physically or mentally unfit for employment. If mental or physical unfitness is claimed or discovered and the unfitness is not evident, verification may be required. Appropriate verification may consist of entitlement to temporary or permanent disability benefits issued by government or private sources including receipt of VA disability compensation regardless of disability percentage. Vocational Rehabilitation services, Workers' Compensation payments or Developmental Disability services may also be used as verification. An individual does not need to be receiving disability benefits for this exemption. Eligibility staff can exempt an individual as unfit for work if they are obviously mentally or physically unfit for employment or, if the unfitness is not obvious, based solely on a statement from OR collateral contact with a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, a licensed or certified psychologist, a social worker, or any other medical personnel that he or she is physically or mentally unfit for employment. The determination for this exemption needs to be narrated in the case note.
  - 5. A Veteran. For this exemption, a Veteran is defined as an individual who served in the United States Armed Forces (Army, Navy, Air Force, Marines, Coast Guard, National Guard, and Space Force). Individuals who served in a reserve component of the Armed Forces are also eligible. Conditions of discharge are not considered for this exemption.
  - 6. Individuals who were in foster care on the date they turned 18 but are under the age of 25 (ages 18-24). For these individuals, if they were in foster care on their 18<sup>th</sup> birthday but have not yet turned 25; they receive the exemption. This exemption shall end on the individual's 25<sup>th</sup> birthday.
  - 7. Is a parent (natural, adoptive, or step) of a household member under age 18, even if the household member who is under 18 is not himself eligible for SNAP.
  - 8. Is residing in a SNAP household where a member is under age 18, even if the household member who is under 18 is not himself eligible for SNAP.
  - 9. Is pregnant and have provided medical documentation of the estimated date of delivery.

**Effective Date:** September 1, 2023