



Food and
Nutrition
Service

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SUBJECT: SNAP – Best Practices and Resources for Informing Households of ABAWD Rules

TO: Regional Directors
Supplemental Nutrition Assistance Program
All Regions

This memorandum provides best practices and resources to help State agencies effectively inform Supplemental Nutrition Assistance Program (SNAP) households of the requirements for able-bodied adults without dependents (ABAWD) and to enrich training for eligibility workers. Since ABAWD policy is complex, States should provide clients with accurate and understandable information in accessible locations (e.g., waiting rooms, websites, or partner organizations). Easily understood resources that advise the client how to take appropriate action will benefit the State and clients by minimizing the number of times a household exits and re-enters the program, reducing the chance for errors, and ensuring eligible households receive the benefits to which they are entitled.

The Food and Nutrition Service (FNS) has found that States employing the following strategies are successful in informing applicants and clients regarding ABAWD policies:

Equip eligibility workers with the tools and resources they need.

Effective training for staff on ABAWD policy is essential. Additionally, a script, checklist, or other templates can be useful tools for eligibility workers to help ensure that they address ABAWD rules and screen clients for exemptions. These might include local phone numbers and contact information for programs offered through community colleges, local charitable organizations seeking volunteers, job placement assistance, and local workforce centers.

Explain complex policies in writing for clients. As part of informing applicants and clients of rights and responsibilities, States should leverage written notices effectively. Although not explicitly required by regulation, States should consider opportunities to clearly explain ABAWD policies in writing (e.g., as part of the Notice of Eligibility, Notice of Work Registration, etc.). States should also consider including an addendum to the periodic report form that explains to ABAWDs and potential ABAWDs the requirements associated with reporting, screening, exemptions, and compliance. FNS also strongly encourages States to provide an additional written notice to all ABAWDs at least 30 days prior to the expiration of an ABAWD time limit waiver.

Post information on websites and in waiting rooms. States can provide ABAWD policies and information on their public websites, posters in local offices, or televisions in waiting rooms. This practice is particularly useful in anticipation of the time limit being reintroduced in a particular area where it had been waived previously.

Leverage partnerships. Provide partner organizations – such as community-based organizations, food banks, and employment and training (E&T) providers – with one-pagers or informational pamphlets. (Printable handouts are available on the FNS website. See “Additional Resources” below.) This is particularly useful in anticipation of time limits being reintroduced in a particular area.

With this memorandum, FNS is including three sample documents to assist states:

1. How to use plain language to inform clients about ABAWD policy and their rights and responsibilities as an ABAWD.
2. Frequently asked questions and answers that could be used by different audiences, e.g., ABAWDs, community partners, local government agencies, etc; and
3. Reference information that could help serve as a desk or training tool for caseworkers in administering ABAWD policy.

States may use this content to enhance existing notices or to develop additional information or training content specific to the ABAWD population. Please note that these attachments are not intended to substitute any existing required notices (e.g., the notice of eligibility, the notice of work registration, etc.).

There are additional resources that can help States make their process to educate and inform staff and clients as effective and efficient as possible:

- **FNS ABAWD Public Website and Printable Handouts.** The FNS public website includes content describing ABAWD policy as well as one-page Frequently Asked Questions regarding the ABAWD time limit and work requirements that are designed to be printed and handed to clients (see the second item under the heading, “Where can I find out more?”). <http://www.fns.usda.gov/snap/able-bodied-adults-without-dependents-abawds>
- **Guide to Improving Notices of Adverse Action (NOAAs).** Developed by plain language experts, this guide provides approachable strategies, samples, and tools to help States make their client notices more effective. Although the guide’s focus is NOAAs, the principles and strategies can be applied to notices and client information more broadly. <http://www.fns.usda.gov/sites/default/files/snap/FNS-Notice-Improvement-Guidance.pdf>

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

- **Guide to Serving ABAWDs Subject to Time-Limited Participation.**
Although it does not address notices in detail, this guide provides broad policy guidance to serving ABAWDs subject to the time limit. In conjunction with the ABAWD Questions and Answers available on FNS' public ABAWD page, it enumerates the rights and responsibilities of clients and State agencies.
http://www.fns.usda.gov/sites/default/files/Guide_to_Serving_ABAWDs_Subject_to_Time_Limit.pdf

State agencies should contact their respective FNS Regional Offices with any questions. FNS Regional Offices should contact Sasha Gersten-Paal at sasha.gersten-paal@fns.usda.gov.



Lizbeth Silberman
Director
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Enclosure

Important Information about your SNAP Case

Why am I getting this information?

You applied for SNAP and we think you may need to meet certain special rules because you are an "ABAWD." ABAWD stands for Able-Bodied Adult without Dependents.

Who is considered an ABAWD?

An ABAWD is a person age 18 through 49, who does not live with a child under 18, and is fit for work.

What does this mean?

ABAWDs can only get SNAP benefits for 3 months in 3 years unless they meet certain special work requirements or are excused. This is called the time limit.

(States might find it helpful to explain their 3 year clock here.)

The time limit is an extra rule for ABAWDs, in addition to the general SNAP work rules. The general SNAP work rules include registering for work, doing a work activity if assigned by your State agency, taking a suitable job if offered, not quitting a job without a good reason, and not reducing your work hours below 30 a week without a good reason.

Can I be excused from the time limit?

The ABAWD time limit of 3 months may not apply to you if you:

- Are under 18, or you are age 50 or older
- Cannot work because of a physical or mental concern
- Have someone under 18 in your household
- Are pregnant
- Live in [name of area(s) under a waiver of the time limit]
- [List any State specific 15 percent exemption criteria, if applicable]
- Are excused from the General work requirements, as listed below:
 - You are complying with work requirements for another program
 - You are responsible for the care of a child under 6 or an incapacitated person
 - You are regularly participating in an alcohol or drug treatment program
 - You already work at least 30 hours a week
 - You are a student in school at least half-time (although students may be subject to other work rules)

Contact us if you think one of these might describe you. We can tell you for certain if the ABAWD time limit applies to you. See below for contact information.

This sample is a reference and should be customized to meet all relevant State and Federal policies.

I am an ABAWD under the time limit. What do I need to do?

ABAWDs must meet special work requirements. If you don't do these things, you will lose your SNAP benefits after 3 months. To keep getting SNAP, you must:

- **Work at least 80 hours a month.** Work can be for pay, for goods or services (for something other than money), or as a volunteer;
-----OR-----
- Participate in a **work program at least 80 hours a month.** A work program could be SNAP Employment and Training (E&T) or other educational or training activities;
- -----OR-----Participate in workfare [substitute State approved workfare program(s), if applicable] for the number of hours assigned to you each month. (The number of hours will depend on the amount of your SNAP benefit.)

Work can be paid or unpaid. You can also do a combination of paid work, unpaid work, and educational and training activities to meet your 80 hours. We can help explain how you can show us that you are doing these activities.

Each month that you receive a full month of SNAP benefits and you do not meet the ABAWD work requirement without a good reason, you will receive a **countable month**. We will track your countable months. Once you receive 3 countable months, you will lose your benefits. However, if you meet the special ABAWD work requirements for a 30 day period you may be eligible for SNAP again.

Please contact us for information on educational or training activities.

Who can I call if I have questions?

If you have questions, please contact [name] at [phone number].

Frequently Asked Questions for ABAWDs under the time limit

Do I need to report additional information to my caseworker?

Yes. As an ABAWD, you must report to your caseworker **if you will not work at least 80 hours a month.**

Remember that you may need to report other changes. Check with your caseworker to learn what else you are required to report.

What happens if I do not meet the special ABAWD rules?

Each month that you receive a full month of SNAP benefits and you do not meet the ABAWD work requirement without a good reason, you will use up a **countable month**. Your caseworker will track your countable months. Once you have 3 countable months, you will lose your benefits.

If I lose my benefits, how can I get my benefits again?

You can get your benefits back in a few ways.

1. If you work and/or participate in a work program for at least 80 hours 30 days in a row, or participate in workfare as assigned to you 30 days in a row, you can get SNAP benefits again. This is because you are now meeting the special ABAWD work requirements.
2. You can also get SNAP benefits again if something changes in your life and you are excused from the time limit.

You are excused from the time limit if you:

- Are under 18, or 50 years of age or older,
- Cannot work because of a physical or mental concern
- Have someone under 18 in your household
- Are pregnant
- Are excused from the General work requirements. Some examples include:
 - You comply with work requirements for another program
 - You are responsible for the care of a child under 6 or an incapacitated person
 - You regularly participate in an alcohol or drug treatment program
 - You already work at least 30 hours a week
 - You are a student in school at least half-time (although students may be subject to other work rules)

What if I am working, but I have an emergency and cannot work at least 80 hours a month?

If you would have worked at least 80 hours in the month, but missed some hours for a good reason, we may not count that month against your 3 month time limit. The good reason must be something beyond your control. The reason could include your own illness, illness of someone who you needed to care for, or a transportation problem. The missed work must be temporary. If this happens, you should let your caseworker know as soon as possible.

What happens if I move?

Countable months stay with you when you move. Any countable month you receive will be a countable month in any new State. Once you use up your 3 countable months in a 3-year period, you will likely not be eligible unless you meet the special ABAWD work requirements or become exempt.

What happens to my SNAP case if I use up my 3 months?

If you hit the 3 month time limit, you lose eligibility for SNAP. However, other people in your household may still get SNAP. Your income and resources will still count as part of the household. Only the eligible household members will still get SNAP. This means that the total household benefit would go down.

I disagree with a decision made about my case. What can I do?

Any time you disagree with a decision taken on your SNAP case, you have the right to appeal. That means you can request a fair hearing with an official who is required by law to review the facts of every case in a fair and objective manner.

You can request a fair hearing by contacting [point of contact]. Free legal representation is available. Contact [point of contact] for more information

You can still get SNAP benefits while you wait for your hearing. You should know that you may have to pay the benefits back if the fair hearing ruling is not in your favor.

This sample is a reference and should be customized to meet all relevant State and Federal policies.

ABAWD Summary Checklist For Caseworkers

This checklist is intended to provide a quick reference and summary of ABAWD policy for caseworker training. It does not replace policy. Eligibility determinations should not be made without proper consideration of all relevant Federal and State policy.

Is the individual an able-bodied adult without dependents (ABAWD)?

Able-bodied adults without dependents are subject to the special ABAWD work requirements, unless they are exempt from the time limit. The time limit does not apply to an individual if he/she is:

- Under age 18, or age 50 or older.
- In a household with another member who is under age 18, even if the youth is not eligible for SNAP.
- Pregnant.
- Exempt from the general work requirements. This includes an individual who is:
 - Responsible for the care of a child under 6 or an incapacitated person
 - A student enrolled in school at least half-time (although students may be subject to other work rules)
 - Regularly participating in an alcohol or drug treatment program
 - Already working at least 30 hours a week
 - Complying with work requirements for another program
- Determined to be physically or mentally unfit for employment. This includes someone who:
 - Is obviously mentally or physically unfit for employment.
 - Is receiving temporary or permanent disability benefits issued by governmental or private sources.
 - If the unfitness is not obvious, provides a statement from medical personnel (physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, licensed or certified psychologist, social worker, or any other medical personnel the State determines appropriate) that he or she is physically or mentally unfit for employment.

Tips for Identifying Physical or Mental Unfitness

- Screen for indicators of physical or mental unfitness.
 - Is the person experiencing chronic homelessness?
 - Has the person been steadily unemployed in recent years?
 - Is the person in need of healthcare for a physical or mental health issue?
 - Has the person been hospitalized in the past six months?
- Ask follow-up questions. Try to identify if the root cause of the individual's lack of employment is a physical or mental health concern.
- Consider collateral contacts. If the unfitness is not obvious, medical personnel may provide a collateral contact: doctor, physician's assistant, social worker, licensed psychologist, designated representative of the doctor's office, or any other medical personnel determined by the State.

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Does the individual live in an area where the time limit is waived?

ABAWDs in waived areas are exempt from the time limit. The following areas are waived until [date]:

- Area A
- Area B
- Area C

How can the client fulfill the ABAWD work requirement?

Qualifying activities include:

- Work at least 80 hours a month (including self-employment, in-kind work, or un-paid work).
- Participate in a qualifying work program such as E&T for at least 80 hours per month.
- Participate in and comply with workfare. Under workfare, a household is responsible for a number of hours equal to the monthly benefit amount divided by the minimum wage.

Note: The client can do a combination of paid work, unpaid work, in-kind work, and/or work program activities to meet a total of at least 80 hours per month.

Has the ABAWD used a countable month?

Review the tracking system to determine whether the individual has used any of the 3 months.

Tips for Identifying Countable Months

The ABAWD does not accumulate a countable month if any of the following are true:

- The month was a partial/pro-rated benefit (not a full month of benefits).
- The individual qualified for an exemption, lived in a waived county, or received a 15% exemption for the month.
- The individual worked a total of at least 80 hours in the month.
- The individual participated in a work program for a total of at least 80 hours in the month.
- The individual did a combination of work and work program participation for a total of at least 80 hours in the month.
- The individual participates and complies with workfare.

If all 3 countable months have been used, the individual is not eligible unless he or she has fulfilled the work requirement for any 30-day period since he or she was last on SNAP, has become exempt, or now lives in a waived area (or, at the option of the State Agency, if it can be verified that one of these circumstances will be met within 30 days).