



Office of Temporary and Disability Assistance

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Administrative Directive Memorandum

Section 1

Transmittal:	18-ADM-09
To:	Social Services District Commissioners
Issuing Division/Office:	Employment and Income Support Programs
Date:	December 31, 2018
Subject:	Supplemental Nutrition Assistance Program (SNAP) Able Bodied Adults Without Dependents (ABAWDs) Policy Update and Guidance on the New 36-Month Time Period
Suggested Distribution:	SNAP Directors Temporary Assistance Directors Employment Coordinators Staff Development Coordinators
Contact Person(s):	Employment Services Advisor or Employment and Advancement Services (518) 486-6106
Attachments:	
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Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
18-ADM-07 17-ADM-01 16-ADM-01 16-INF-09 15-INF-11 13-ADM04 97-ADM-16		18 NYCRR 385.3	PRWORA of 1996 (P.L. 104-193) Sec. 6 of the Food Stamp Act	TA and SNAP Employment Policy Manual Section 358.3, Section 385.16, SNAP Source Book	7 CFR 273.24

Section 2

I. Summary

This Administrative Directive (ADM) provides social services districts (districts) with updated guidance and policy for implementing the Supplemental Nutrition Assistance Program (SNAP) requirements for Able Bodied Adults Without Dependents (ABAWDs) and it informs districts that the current fixed 36-month period for tracking compliance with the ABAWD requirements expires on December 31, 2018 and a new fixed 36-month period will begin on January 1, 2019.

II. Purpose

The purpose of this ADM is to inform districts of the start of a new 36-month fixed period for tracking compliance with the ABAWD requirements, and provides updated policies and procedures associated with implementation of the federal ABAWD requirements. Specifically, this ADM provides guidance on policies associated with the requirement to offer and provide an ABAWD qualifying work activity to all ABAWDs, provide participant reimbursements (supportive services) to individuals engaged in SNAP Employment and Training (E&T) activities, and to identify out-of-State ABAWD countable months.

III. Background

Federal statute and regulations limit an ABAWD's eligibility for SNAP benefits to three months in a 36-month period, unless the individual resides in an area that has an approved ABAWD waiver, the ABAWD is granted an exclusion from the ABAWD work requirement for the calendar month consistent with the exclusion policy established by the district, or is meeting the ABAWD work requirement each month. The current 36-month period for New York State is a fixed period, or "clock", that started on January 1, 2016 and expires on December 31, 2018. The new 36-month period begins January 1, 2019 and will expire on December 31, 2021.

IV. Program Implications

All districts, including those that qualify for a waiver of the federal ABAWD requirement, must evaluate each SNAP applicant or recipient's employability and ABAWD status and enter the appropriate SNAP employability and ABAWD codes in the Welfare Management System (WMS). Additionally, districts that do not have an approved ABAWD waiver for all residents of the district must monitor each ABAWD's compliance with the ABAWD requirement on a monthly basis, offer and provide an ABAWD qualifying work activity to each ABAWD to maintain SNAP eligibility, and notify a SNAP household when an ABAWD becomes ineligible for SNAP benefits due to not meeting the ABAWD requirements.

ABAWD Time Clock Reset

ABAWD eligibility for SNAP benefits is limited to three months in a 36-month period, unless the individual resides in an area that has an approved ABAWD waiver, the ABAWD is granted an exclusion from the ABAWD work requirement for the calendar month consistent with the exclusion policy established by the district, or is meeting the ABAWD work requirement each month. The current 36-month period will expire on December 31, 2018. When the current statewide period ends, the ABAWD time limit clock will be re-set on all ABAWD tracking records and a new time clock will begin. The new 36-month period will start on January 1, 2019 and will expire on December 31, 2021. ABAWDs with tracked countable months during the period January 1, 2016 through December 31, 2018 will no longer have any countable months beginning January 1, 2019 and can again remain eligible to receive three months of SNAP benefits in the new 36-month period even if not meeting the ABAWD work requirements.

Beginning January 1, 2019, ABAWDs who were ineligible for SNAP benefits due to the ABAWD time limits and are re-applying for SNAP benefits will not need to re-establish ABAWD eligibility, if otherwise eligible, before receiving SNAP benefits. Beginning with the month of January 2019, each month an ABAWD receives a full month of SNAP benefits (either individually or as part of a multi-person SNAP household) and does not meet the ABAWD work requirement, without good cause, will be tracked as a countable month in the 3-month time limit. Unless the ABAWD is satisfying the ABAWD work requirement each month, documents that he/she is exempt, is granted an ABAWD exclusion by the district for the month or resides in an area with an approved ABAWD waiver, he or she will be ineligible to receive SNAP benefits after the third countable month.

ABAWD Time Limit Exemptions

Individuals who meet the federal definition of an ABAWD are subject to the ABAWD time limit and are only eligible to receive SNAP benefits for three months in a 36-month period unless they meet certain special work requirements, are exempt from the ABAWD work requirements, live in an area of the State covered by a full county or jurisdictional federal ABAWD waiver, or receive an exclusion from the requirements.

ABAWDs are individuals who are subject to SNAP work requirements (do not meet any of the exemptions from SNAP work requirements listed in 18 NYCRR §385.3) and who are **NOT**:

- Under the age of 18 or 50 years of age or older.
 - The district must track the continued SNAP eligibility of all ABAWDs through the certification period. Districts are encouraged to use an anticipated future action code in WMS when the youngest member of a SNAP household will turn 18 during the certification period to ensure that all ABAWDs in SNAP households are accounted for, offered and provided with a qualifying activity, and tracked if not complying. The month in which the individual turns 18 is an exempt month for the ABAWD requirement, unless the individual turns 18 on the first of the month. Additionally, an individual becomes exempt from the ABAWD requirement in the month that he/she turns 50 years of age.
- Determined by the district to be medically certified as physically or mentally unfit for employment. An individual receiving SNAP benefits is exempt from the ABAWD requirements if he/she documents that he/she is not able to work at least 80 hours per month, but may still be subject to SNAP work requirements, unless documentation is provided to confirm that he/she is exempt from SNAP work requirements consistent with 18 NYCRR §385.3. Additionally, an individual is medically certified as physically or mentally unfit for employment if he or she is:
 - Receiving temporary or permanent disability benefits issued by governmental or private sources. This could include Social Security Disability Insurance (SSDI) or New York State disability benefits,
 - Receiving Veterans Affairs (VA) disability compensation,
 - Obviously mentally or physically unfit for employment as determined by the district, or
 - If the unfitness is not obvious, provides a statement from a medical professional the district determines appropriate, that he or she is physically or mentally unfit for work.
- An adult member of a SNAP household that includes an individual under the age of 18.
- Pregnant

Proper coding and monitoring of each SNAP applicant and recipient's SNAP employability and ABAWD status is important because this information is used to identify which individuals are subject to the ABAWD requirement on a monthly basis. Failure to enter and maintain the correct SNAP employability code and/or ABAWD code may result in incorrect ABAWD tracking and require the processing of override transactions to correct an individual's ABAWD counter.

Additional information regarding exemptions from the ABAWD requirement can be found in Section V. A of [17-ADM-01](#).

ABAWD Work Requirements

Effective January 1, 2019, when the ABAWD time limit clock resets, an ABAWD is only eligible for SNAP benefits for three months in the new 36-month period unless the individual is meeting the ABAWD work requirement each month, documents that he/she is exempt, lives in an area of the State covered by a full county or jurisdictional federal ABAWD waiver, or receives an exclusion from the ABAWD work requirements. An ABAWD may meet the work requirement for a calendar month through one of the following methods:

- Working for at least 80 hours per month. Work can include paid employment, volunteer, or in-kind work.
- Participating in a qualifying work or training program, as assigned by the district for at least 80 hours per month.
- Participating in a Work Experience Program (WEP) assignment for the number of hours per month that equal the amount of the SNAP benefit divided by the current State minimum wage in the district.
- Participating in a work activity under the Workforce Innovation and Opportunity Act (WIOA) or Trade Act, which may include job search, job readiness training, occupational skills training, or education activities for at least 80 hours per month.
- Participating in a combination of work and a qualifying work activity for at least 80 hours per month.

Note: Federal rules state that participation in a stand-alone job search or job readiness training provided under Temporary Assistance (TA) or SNAP Employment and Training (E&T) program is not a qualifying activity to meet the ABAWD work requirements. In order to meet the ABAWD work requirement, a work program that contains job search or job readiness training must also contain an ABAWD qualifying activity. The job search or job readiness training provided under a TA or SNAP E&T program must equal less than one half of the total monthly hours of participation. For example, an ABAWD who is participating in job search for 39 hours per month must participate in a qualifying activity, such as community service, for no less than 41 hours per month.

V. Required Action

Informing SNAP Households of the ABAWD Requirement

Districts must inform ABAWD and potential ABAWD households of the time limit, exemption criteria (including exemptions from the general SNAP work requirements), which individuals are subject to the requirement, the consequences for refusing or failing to comply with the ABAWD requirement without good cause and the action that may be taken by the ABAWD to maintain or re-establish eligibility for SNAP benefits for more than 3 months in the 36-month period. At a minimum, this information must be provided during the eligibility interview both **verbally** and in **writing**.

OTDA encourages districts to provide the [LDSS-5072 Informational Letter Regarding ABAWD Requirements](#) to SNAP households that include an ABAWD and to verbally relay information on ABAWD status to households containing an ABAWD during the application and recertification interview. To document in the case record that the household was informed of the ABAWD requirements both verbally and in writing, OTDA strongly encourages districts to utilize the

[LDSS-4826B](#) *Interview/Verification Guide for the LDSS-4826 SNAP Application/Recertification*, and maintain a copy of the LDSS-4826B and the LDSS-5072 in the case record.

Offering and Providing an ABAWD with a Qualifying Activity

All districts, including those that qualify for a waiver of the federal ABAWD work requirement, must evaluate each SNAP applicant's or recipient's employability and ABAWD status. Districts that do not have an approved ABAWD waiver for all residents of the district are required to **offer and provide** an ABAWD qualifying work activity or training opportunity to all ABAWDs who are subject to the ABAWD work requirements using the [LDSS-5127](#) *Able-Bodied Adults Without Dependents (ABAWD) Work Activity Letter*, (or locally developed equivalent approved by OTDA). The [LDSS-5127](#) *Able-Bodied Adults Without Dependents (ABAWD) Work Activity Letter* must be provided to each ABAWD in the following situations:

- At the time of application/certification and/or recertification.
- Anytime during the certification period when an individual's status changes and the individual becomes subject to the ABAWD time limit. For example: an individual is exempt from the ABAWD time limit solely because of a child under the age of 18 in the SNAP household, and during the certification period the youngest child turns 18.
- When an ABAWD previously engaged in work or a work activity and meeting the ABAWD requirement is no longer engaged at least 20 hours week/80 hours monthly.

The [LDSS-5127](#) *Able-Bodied Adults Without Dependents (ABAWD) Work Activity Letter* provides the ABAWD with an appointment with the district to receive the offer of enrollment in a qualifying ABAWD work activity assignment. Districts may provide the ABAWD qualifying work activity or training opportunity through the SNAP E&T program or other local work, educational or training program for which the individual is eligible that will meet the ABAWD requirement.

A copy of the completed [LDSS-5127](#) *Able-Bodied Adults Without Dependents (ABAWD) Work Activity Letter* must be retained in the case record, along with an entry in case notes, to document that the agency offered the ABAWD the opportunity to meet with the district for assignment to an ABAWD qualifying work activity. The ABAWD's compliance with the work activity appointment is not mandatory, as a matter of eligibility, and failure to appear will not result in conciliation or imposition of a SNAP sanction. The appointment for the offer of engagement in an ABAWD qualifying work activity is separate and apart from any other mandatory work activity appointments or assignments given as part of the individual's TA work assignment or SNAP E&T work assignment.

Additional information about the [LDSS-5127](#) *Able-Bodied Adults Without Dependents (ABAWD) Work Activity Letter*, may be found in [18-ADM-07](#).

Participant Reimbursement (Supportive Services)

Districts must provide supportive service payments to individuals participating in the SNAP E&T program, including applicants and volunteers, for expenses that are reasonably necessary and directly related to participation in the E&T program. Individuals who are subject to the ABAWD requirements and are participating in an ABAWD qualifying work activity that is a SNAP E&T work activity (either as a mandatory assignment or volunteer) are eligible to receive supportive service payments for expenses that are reasonably necessary and directly related to participation in the SNAP E&T and/or ABAWD activity. Reimbursable costs may include, but are not limited to, dependent care costs, transportation, or other work, training or education related

expenses such as uniforms, personal safety items or necessary equipment and books or training manuals.

The job retention component of SNAP E&T is meant to provide supportive services for up to 90 days to individuals who have secured employment. Only individuals who have received other employment/training services under the SNAP E&T program within the 90 days prior to obtaining employment are eligible for job retention services.

Countable Months (Not Meeting the ABAWD Work Requirement)

When determining the number of countable months during the new 36-month period, districts are required to verify whether an ABAWD has received SNAP benefits in another district or in any other State. Districts should use the ABAWD tracking information on the WTRK31 screen which is available through the Employment Tracking Inquiry (Selection 17 on ROS WMS/Selection 11 of NYC WMS), Selection P, FS ABAWD Tracking to verify ABAWD countable months in other districts within New York State. When an ABAWD applies for SNAP benefits and there is an indication that the individual has received SNAP in another State, the district must verify the number of countable months in the other State and document this information in the case record. Any month in which an ABAWD did not meet the ABAWD requirements, and have a tracked countable month in another State during the New York State 36-month fixed period, (January 1, 2019 through December 31, 2021), will count in the ABAWD's tracked months in New York State. Specific information about out-of-State SNAP participation for ABAWDs can be found in [GIS 18 TA/DC020](#). Additionally, Section V. D of [17-ADM-01](#) provides guidance on those situations when a month does not count as a trackable month.

Monitoring ABAWD Compliance

Districts are required to monitor each ABAWD's compliance with the ABAWD work requirement on a monthly basis and take timely action in those instances where the district has determined that the ABAWD has received SNAP benefits (either individually or as part of a multi-person SNAP household) for 3 months in a 36-month period, is otherwise subject to the ABAWD requirement and, based on the information available to the district at the time that the case record is reviewed, is not meeting the ABAWD requirement. Districts should use the ABAWD Tracking Report, which can be accessed through Cognos, to track the number of months an ABAWD did not meet the ABAWD work requirement while receiving SNAP benefits in a 36-month period. Additional information regarding the ABAWD Tracking Report can be found in [16 GIS TA/DC030](#).

Districts must verify hours of work for ABAWDs at certification, recertification, and as needed if a change is reported. ABAWDs are required to tell the district if their work hours go below 20 hours weekly/80 hours monthly within 10 days after the end of that month.

Districts must establish procedures for monitoring an ABAWD's ongoing participation in work activities, such as education and training and work experience, or the combination of work and work activities.

ABAWD Tracking

Districts are responsible for monitoring compliance with the ABAWD work requirement by monitoring countable tracked months in the ABAWD Tracking Screen (WTRK31) in WMS. When the ABAWD time limit clock resets, all previously tracked countable months will be removed from the tracker and will no longer count towards the new 3 months in a 36-month period.

The Welfare Reporting and Tracking System (WRTS) will update for the new 36-month period after the December 2018 data is processed, which should occur on or around January 17, 2019. Tracked months from the previous 36-month period which ends December 31, 2018 will remain on the ABAWD Tracking Screen until that date. Once the December 2018 data has been processed, the tracker will be reset to zero and no countable months will be displayed in the ABAWD Tracking Screen (WRTK31) until the January 2019 data is processed, (which should occur on or around February 17, 2019).

ABAWD tracking information from the previous 36-month period (January 1, 2016 through December 31, 2018) will be available to districts upon request through their Employment Services Advisor. Specific information related to ABAWD tracking can be found in Section V. H of [17-ADM-01](#).

Discontinuing Eligibility in the Third Month

When an ABAWD has not met the ABAWD work requirement for three months in the new 36-month period, districts must take timely action to issue a Notice of Adverse Action (NOAA) before the end of the third month to inform the household that an ABAWD is ineligible for SNAP benefits because he/she is subject to, but not meeting the ABAWD requirement. The NOAA must be issued in time to preclude the issuance of a fourth month of SNAP benefits. Any SNAP benefits received beyond the three months while an ABAWD is subject to, but not meeting the ABAWD requirement, are subject to recoupment. Districts should refer to Section V. I of [17-ADM-01](#) for guidance on failure to meet the ABAWD requirement.

Reestablishing Eligibility for SNAP Benefits

ABAWDs who lost eligibility for SNAP benefits due to non-compliance with the ABAWD requirements during the time period January 1, 2016 through December 31, 2018, and who re-apply for SNAP benefits after January 1, 2019 will not need to re-establish ABAWD eligibility at reapplication. An ABAWD who becomes ineligible for SNAP benefits due to failing to meet the ABAWD requirement during the new 36-month ABAWD time period (January 1, 2019 through December 31, 2021) will need to re-establish ABAWD eligibility at the time of reapplication for SNAP benefits. Specific information regarding the ways in which an ineligible ABAWD can re-establish eligibility for SNAP benefits may be found in Section V. J of [17-ADM-01](#).

ABAWD Grace Period

ABAWDs are only eligible for one 3-month grace period during the 36-month fixed period and the three months must be consecutive. When the ABAWD time limit clock resets and a new 36-month period begins on January 1, 2019, all ABAWDs who lose eligibility during the new 36-month period due to having three countable months tracked will be able to receive a 3-consecutive month grace period after they have re-established eligibility. Any grace period granted during the previous 36-month period will not be counted. Guidance on the ABAWD grace period is found in Section V. L of [17-ADM-01](#).

VI. Systems Implications

When the ABAWD time limit clock resets, all previously tracked countable months will be removed from the tracker and will no longer count towards the 3 months in a 36-month period. Districts will not be responsible for removing tracked months from the WRTS tracker. OTDA will systematically remove all months previously tracked during the period January 1, 2016 through December 31, 2018.

VII. Effective Date

This ADM is effective **January 1, 2019**.

Issued By

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Division/Office: Office of Temporary and Disability Assistance