

## **SNAP E&T ABAWD Questions and Answers**

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## General Questions

### **Q1. Why is New York required to implement Able Bodied Adults without Dependents (ABAWD) requirements in January 2016?**

A1. New York's statewide ABAWD waiver expired on December 31, 2015. Social services districts that did not qualify for a county based ABAWD waiver were required to implement ABAWD requirements effective January 2016. Based on the waiver approved by USDA for calendar year 2016, there are 20 counties approved to waive the work based eligibility requirements that apply to ABAWDs that reside in the county and 9 other counties that are approved to waive ABAWD requirements for ABAWDs who live in one of 10 waived jurisdictions, such as a city, but not the balance of the county. The counties with jurisdictional waivers and the remaining 33 counties that do not meet the federal criteria to qualify for an ABAWD waiver were required to implement ABAWD requirements on January 1, 2016.

## SNAP Employability/ABAWD Determinations

### **Q2. How long does an individual who is claiming an exemption have to provide documentation to the district? For example, an individual claims that he/she is unable to work because of a medical condition.**

A2. The district should provide a documentation checklist and provide 10 calendar days to provide the requested documentation. Additional time may be provided if the individual has good cause for not providing the documentation within the 10 days. If additional time is granted, the good cause reason must be documented in the case record. If the documentation is not returned to document the exemption, federal regulations require that the individual be determined to be a work registrant and an ABAWD (unless the individual documents that he/she is exempt from ABAWD requirements for another reason, consistent with Section 385.3 of the TA and SNAP Employment Policy Manual). The SNAP case does not close because documentation to support the alleged exemption was not returned, as it would with Temporary Assistance.

### **Q3. Does the status "Incapacitated/disabled SSI applicant OR SSI applicant/pending SSI recipient that has applied for SNAP benefits through joint process at the SSA office" on the [LDSS-5062](#), SNAP Work Registrant/ABAWD Determination desk guide indicate that an individual only needs to apply for federal disability benefits (SSI or SSDI) to be exempt from SNAP work activities?**

A3. No. If an individual applies for SNAP benefits and SSI through the joint process and provides documentation to the district, the individual would be exempt from SNAP work requirements while the SSI application is pending. Otherwise, an individual who has applied for, but is not receiving SSI or SSDI must provide medical documentation to verify that he/she is medically unfit for employment to be determined exempt from SNAP work requirements by the district or document that he/she is exempt from ABAWD requirements for another reason.

**Q4. Is an individual who claims to be exempt from work requirements because of a medical condition which appears to be of a permanent nature, but is not receiving SSI or SSDI, required to provide updated medical documentation on a periodic basis?**

A4. Yes, the individual should provide updated medical documentation at each recertification, unless the individual documents that he/she is eligible for or receiving federal disability benefits.

**Q5. Are districts able to record an individual's employability status under the SNAP program separately from an individual's TA employability status?**

A5. Yes. As of February 22, 2016, an individual's SNAP employability status should be entered on screen 4 of Upstate WMS (Individual Inquiry Screen NQIN2A-Client Information for NYC WMS) or on the Individuals Tab on myWorkspace for districts that use myWorkspace (my Workspace is only available to districts outside of NYC). For those cases that are receiving SNAP benefits through the TA case, the SNAP employability codes will identify an individual's SNAP employability status separately from the individual's TA employability status.

A separate field on screen 4 of WMS (Individual Inquiry Screen NQIN2A for NYC WMS) or Individuals Tab on myWorkspace is used to record an individual's ABAWD status in addition to the individual's TA and SNAP employability status.

**Q6. Could a parent who splits custody of a child 50/50 with the other parent still be an ABAWD?**

A6. Yes. According to SNAP policy, only one parent can claim the child on their SNAP case; generally whoever applies for SNAP benefits first or based on any stipulation that has been included in court documents. The other parent may be an ABAWD.

**Q7. What is the SNAP employability code for an individual who is 18 years old or older and attending high school?**

A7. A SNAP recipient who is 18 years of age or older **and** enrolled in high school would be assigned a SNAP employability code of "72"- (Student enrolled in a recognized school, job skills training or institution of higher education at least half-time and meets student eligibility requirements listed in 18 NYCRR 387.1/Exempt) and an ABAWD indicator code of "N" (Non-ABAWD). The individual's status must be re-evaluated at recertification and when a change in the individual's status is reported to the district.

**Q8. Are districts required to obtain medical documentation to exempt an individual from SNAP work requirements? If yes, is it necessary to obtain updated medical documentation to continue to exempt an individual from SNAP employment requirements?**

A8. Yes, SNAP employability determinations must be supported by documentation and updated at recertification and whenever a change in the individual's status is reported to the district. The type of documentation may vary based on the type of exemption. For example, an individual who has documented that he is 60 years of age would not be

required to provide additional documentation to be determined exempt from SNAP work requirements. However, a medical statement which verifies that the individual is unable to work would be needed to exempt an individual from SNAP work requirements. Documentation must be retained as part of the case record.

**Q9. Are individuals who are chronically homeless exempt from ABAWD requirements?**

A9. It depends. According to USDA, chronic homelessness alone does not exempt an individual from ABAWD requirements. Districts should review an individual's circumstances to determine whether or not a homeless individual meets one of the criteria to be exempt from SNAP E&T and/or ABAWD requirements. An exemption from ABAWD requirements may be based on a district's determination that a homeless individual is obviously unfit due to a physical or mental health condition. If medical documentation is not available to document that the individual is unable to work, the district must document the basis for the determination in the case record.

**Q10. What basis should be used to determine that an ABAWD is "obviously" unfit for employment due to a physical or mental health condition, if medical documentation is not readily available?**

A10. Districts should attempt to obtain appropriate documentation to support an exemption from ABAWD requirements. If documentation of the physical or mental health condition is not readily available, an individual may be determined "obviously" unfit for employment based on district worker observation that the individual appears to suffer from a physical or mental health condition that appears to limit the individual's ability to work at least 80 hours per month. In these instances, the worker must document the basis used to determine that the individual is exempt from ABAWD requirements in the case record.

For example, an individual does not have a treating health care practitioner at the time of application for SNAP benefits, but has been working with an Adult Services caseworker who provides a written statement to document that that individual appears to have a mental health condition which prevents the individual from working. The worker would document the information in the case record and assign a SNAP employability code of "70" and an ABAWD indicator code of "N" for the period of time that the district determines that the individual is obviously unfit for employment. The determination must be reviewed at recertification and the basis used to determine that the individual continues to be obviously unfit for employment must be documented in the case record, if the district continues to exempt the individual from ABAWD requirements under this criteria.

**Q11. What will be considered acceptable documentation to document that an individual is not able to work at least 80 hours per month?**

A11. Documentation, such as a medical statement, including but not limited to the [LDSS-4526](#), Medical Examination for Employability Assessment, Disability, Screen and Alcoholism/Drug Addiction Determination, completed by the individual's treating healthcare practitioner. There is no requirement that the individual's treating health care practitioner completing the medical statement must be a physician or psychologist. Therefore, districts may accept a medical statement that is completed by other

healthcare practitioners, such as a nurse midwife, registered nurse and physician's assistant.

**Q12. Would a written statement from an incapacitated person be acceptable documentation to exempt an individual from SNAP employment requirements on the basis of caring for an incapacitated person?**

A12. No, a statement from the incapacitated individual's treating health care practitioner should be requested to document that the individual is needed to care for an incapacitated individual.

**Q13. Can an individual be determined exempt from SNAP employment requirements based on the receipt of worker's compensation, NYS Disability or private disability payments?**

A13. An individual who has provided documentation that he/she is eligible for or receiving federal disability benefits (Social Security Income (SSI) or Social Security Disability Income (SSDI)), New York State Disability, full Worker's Compensation benefits (100%) or full Veteran's Disability Compensation (100%) is exempt from ABAWD requirements as long as the individual continues to eligible for or receiving these benefits at the designated (100%) rate.

An individual who is receiving Worker's Compensation or Veteran's Disability Compensation benefits at less than 100% based on a partial incapacity is not exempt from ABAWD requirements based on the receipt of these benefits and must provide medical documentation to support an exempt from SNAP employment requirements. An individual who the district determines, based on the medical documentation provided, is not capable of working at least 80 hours per month due to the medical condition would be exempt from ABAWD requirements.

**Q14. How would an individual document that he/she is unable to work due to substance abuse and should be exempt from SNAP work requirements?**

A14. The determination could be based on the assessment conducted by the district's Certified Alcohol and Substance Abuse Counselor (CASAC) who determined that the individual was unable to work due to a substance abuse issue in those instances where the individual has applied for or is receiving TA and is required to participate in a substance abuse assessment. Otherwise, an individual would need to obtain documentation from their health care practitioner or treatment provider to verify that the individual is regularly attending a treatment program and is unable to work due to substance abuse or otherwise engaged in a treatment program to an extent that assignment to work activities would not be possible.

**Q15. Is an individual required to participate in substance abuse treatment to maintain his/her eligibility for SNAP benefits?**

A15. No. Compliance with treatment is not required by federal SNAP E&T regulations. An individual would be exempt from SNAP employment requirements if he/she documents that he/she is regularly attending a treatment program **and** is unable to work due to substance abuse or otherwise engaged in a treatment program to an extent that assignment to work activities would not be possible. Documentation to support the

exemption must be maintained as part of the case record. Individuals who do not document a claimed exemption would be subject to SNAP employment requirements consistent with federal SNAP E&T regulations and may be subject to ABAWD requirements, unless otherwise determined to be exempt from ABAWD requirements for another reason.

**Q16. Is an individual who is participating in a volunteer activity under the Americorps program exempt from SNAP E&T requirements?**

A16. An individual who is volunteering through Americorps may be exempt from SNAP E&T work requirements if the individual is working 30 or more hours or week or earning/receiving income through Americorps equal to or more than 30 times the federal minimum wage (currently \$217.50) per week. Regardless of whether or not the income is budgeted for SNAP purposes, Individuals who meet either of these standards should be assigned a SNAP employability code of "28" (Employed or Self-employed 30 or more hours per week OR earning at least the equivalent of 30 times the federal minimum wage on a weekly basis (currently \$217.50 per week) or higher/Exempt) and an ABAWD indicator code of "N" (Non-ABAWD).

Individuals who are participating in Americorps, but do not meet either of the standards listed above, but are earning/receiving income from Americorps may be assigned a SNAP employability code of "27 (Employed or self-employed less than 30 hours per week and earning less than the equivalent of 30 hours times the federal minimum wage on a weekly basis (currently \$217.50 per week)/Non-exempt) if the individual is earning/receiving income less than \$217.50 per week. If there are no earnings entered on ABEL, districts will need to enter a schedule of the hours of participation on WTWCMS as community service and inform the individual that he/she is responsible for providing documentation of actual hours of participation on a monthly basis.

**Q17. A person who works 30 or more hours per week or earns \$217.50 per week is exempt from SNAP work requirements. For ABAWD purposes, if a person is making \$145 a week are they considered to have met the 20 hr. requirement?**

A17. No, not based on the amount of earned income. Compliance with ABAWD requirements is based on the number of hours that the ABAWD participated in ABAWD qualifying activities each month. Unlike the SNAP employability determination which looks at the number of hours of paid work per week and/or the weekly earnings to determine whether or not an individual is exempt from SNAP work requirements, there is no wage equivalent for determining compliance with ABAWD requirements. The ABAWD requirement is fulfilled if the individual works (including "in-kind" work and volunteer work) for at least 80 hours per month regardless of the hourly wage. The 80 hours may also include a combination of work and participation in other ABAWD qualifying activities during the month.

**Q18. Are individuals who are receiving SNAP benefits concurrently with Refugee Cash Assistance (RCA) subject to ABAWD requirements and if yes, should a district consider using ABAWD exclusions for this group of individuals?**

A18. According to a letter issued by the United States Department of Agriculture (USDA), individuals who are participating in an Office of Refugee Resettlement (ORR) funded/operated training program at least half-time are exempt from SNAP employment

requirements because they are considered students participating in a federally recognized training program. Individuals are required to provide documentation to verify that he/she is participating in an ORR funded/operated training program at least half-time to be exempt from SNAP work requirements. A sample letter that may be completed by refugee resettlement agencies with the individual's consent to document an individual's participation in an ORR funded/operated training program has been included as an attachment. This information will need to be updated at recertification and when a change in the individual's status is reported to the district.

Individuals who are determined to be exempt from SNAP employment requirements because he/she is participating in an ORR funded/operated training program at least half-time should be assigned a SNAP employability code of "72"-A student enrolled in a recognized school, job skills training or institution of higher education at least half-time (meets student eligibility requirements in 18 NYCRR 387.1)-Exempt, and an ABAWD indicator code of "N", non-ABAWD.

**Q19. How is the effective date determined when a transaction is completed on the Welfare Management System (WMS) to change an individual's SNAP employability code and/or ABAWD indicator code?**

A19. For Upstate WMS, the effective date for the SNAP employability code and the ABAWD indicator code on screen 4 of WMS is set based on the most recent of the "from" date of the authorization period displayed on screen 1 of WMS or the date that the transaction completed on WMS. For NYC, the SNAP employability code and the ABAWD indicator code appear on Individual Inquiry screen NQIN2A - Client Information. For NYC, the effective date of the SNAP employability code and the ABAWD indicator code is set based on when the most recent transaction is completed in NYC WMS using the Eligibility or Undercare subsystems.

Since the selection process that is used to determine whether or not an ABAWD is trackable for the report (calendar) month looks to see if an individual is exempt from SNAP E&T and or ABAWD requirements at any time in the month, it is important for districts to ensure that changes in SNAP employability and/or ABAWD status are completed during the same month that the change is reported. If a nonexempt individual becomes exempt during the month, but the SNAP employability code is not updated until the following month, the district may need to process an override so the prior month does not count as a month of ABAWD noncompliance. ABAWD related overrides would be completed through Employment Tracking Inquiry, Selection R – FS ABAWD Override which is accessed via the Time Limit Tracking Menu (Upstate WMS Menu Selection 17, NYC WMS Menu Selection 11).

**ABAWD Requirements**

**Q20. Is it necessary to complete an assessment before making an ABAWD qualifying activity available to an ABAWD? If yes, is there a timeframe in which the assessment must be completed?**

A20. A full assessment is not required before a district helps an ABAWD engage in an ABAWD qualifying activity. However, if the district is assigning an ABAWD to a mandatory SNAP E&T or temporary assistance work activity, the district should at a

minimum assess the individual's skills and prior work experience; supportive service needs and make sure the assignment is consistent with any known work limitations.

**Q21. Was the 36 month period changed when ABAWD requirements were implemented in January 2016?**

A21. Yes, New York State is using a 36 month fixed period that started on January 1, 2016 and continues through December 31, 2018. The same period will apply to all ABAWDs regardless of whether or not the ABAWD was receiving SNAP benefits on January 1, 2016 or at a later date. This change should make it easier to determine the 36 month period as compared to 36 month look back that was used in the past.

**Q22. Would prorating the monthly SNAP benefits from the time that the district determines that the individual has received SNAP benefits for 3 months without meeting ABAWD requirements prevent an overpayment from occurring beyond the 3<sup>rd</sup> month?**

A22. No. Districts can only prorate initial SNAP benefits at the time of application. Districts are required to provide timely and adequate notice before reducing or discontinuing SNAP benefits, unless the action occurs at the time of a recertification. However, any SNAP benefits issued beyond the 3<sup>rd</sup> month to an ineligible ABAWD would be an overpayment and subject to recoupment.

**Q23. If an individual applies for SNAP in the middle of a calendar month, is that a countable month?**

A23. No, partial months do not count as a countable month for the purpose of determining compliance with ABAWD requirements. If otherwise eligible for SNAP benefits, the household should receive their prorated benefit as usual. It should be noted that if the household applies on or after the 16<sup>th</sup> of the month and receives expedited SNAP benefits for the balance of the application month and the next calendar month, the full month of SNAP benefits would be tracked towards the 3 month limit, unless the ABAWD met the ABAWD requirement for the month, lived in a waived area during the month or was granted an ABAWD exclusion for the month.

**Q24. Are the hours for determining compliance with ABAWD requirements based on hours of engagement, regardless of rate of pay (e.g., If someone is self-employed 25 hours/week but only earning \$150/week, are they in compliance?**

A24. Yes, the ABAWD requirement is fulfilled if the individual works (including "in-kind" work and volunteer work) for at least 80 hours per month regardless of the hourly wage.

**Q25. If someone is claiming that they are participating in an ABAWD qualifying activity, do we send a documentation request? Is it the same period to provide documentation (10 days)? If they do not supply the requested information what action should be taken?**

A25. The district must notify the individual of the requirement to report if his/her hours of paid work fall below 80 hours in a month and to submit documentation of actual attendance of participation in unpaid work activities for the month within 10 days of the following month. The district should provide forms which can be completed and signed by the



work activity supervisor (job search efforts will be documented through the use of a job search log or job search handbook) to document the actual hours of participation in unpaid work activities.

The individual is required to provide documentation if his/her hours of paid work fall below 80 hours in the month and/or of actual attendance in unpaid work activities and any excused absences by the 10<sup>th</sup> of the following month. SNAP benefits would not be reduced or discontinued if the individual does not provide documentation of actual hours of participation in unpaid work activities as requested by the district. If the individual does not provide documentation to verify the actual hours of participation in unpaid work activities, the system will determine that the individual did not meet the ABAWD requirement for the month and increase the counter that identifies the number of months that the ABAWD did not meet ABAWD requirements during the 36 month period.

### **Notification of ABAWD Requirements**

**Q26. Will a letter be made available that districts can use to notify an individual of ABAWD requirements and the consequences of not complying with ABAWD requirements?**

A26. ABAWDs are notified of ABAWD requirements through information included in the “*What You Should Know About Your Rights and Responsibilities*” ([LDSS-4148A](#)) and as part of the SNAP opening and SNAP recertification notices. OTDA encourages districts to verbally discuss ABAWD requirements and the consequences for not meeting ABAWD requirements at application and recertification interview and has provided an ABAWD notification letter ([LDSS-5072](#)) that districts may use to notify ABAWDs on an individual basis. The template is available on Centraport through the Intelligent Auto Fill (IAF), through myWorkspace, and in electronic format through OTDA’s website.

**Q27. Will the ABAWD notification letter be automatically sent with the CNS notice when a case opens?**

A27. The notice that is issued through the Client Notices System at opening and recertification of SNAP benefits includes information regarding ABAWD requirements and the consequence for not complying with ABAWD requirements. Individuals are also informed of ABAWD requirements through the “*What You Should Know About Your Rights and Responsibilities*” ([LDSS-4148A](#)) and other notices.

**Q28. What happens if someone does not respond to the ABAWD notification letter (ask for an ABAWD qualifying work activity, claim/document an exemption, or state they are complying and provide documentation)?**

A28. No denial or reduction in SNAP benefits will be taken if an ABAWD does not respond to the ABAWD notification letter to request an ABAWD qualifying work activity. The district must take timely action on the case to make the ABAWD ineligible for SNAP benefits once the district has determined that the ABAWD has received SNAP benefits for three months in the 36 month period and the individual is not meeting ABAWD requirements.

## Qualifying Activities

### Job search/job readiness training

**Q29. Do hours of job search activities conducted at the One Stop count toward the Workforce Innovation and Opportunity (WIOA) program ABAWD activity required hours? Can the client print countable hours from JobZone to document the 80 hours?**

A29. All job search related activity conducted by someone in a WIOA job search counts toward the 80 hour ABAWD monthly engagement requirement (e.g., on-line job search, completing and submitting applications, interviewing, resume preparation, employer follow-up). To be considered a WIOA job search, the client must at a minimum use the Job Bank each month to support the job search ([www.JobZone.ny.gov](http://www.JobZone.ny.gov) or <http://newyork.us.jobs>) and could also participate in other job search services at the local Career Center.

To meet ABAWD requirements through Job Search, clients are required to document time spent looking for work, which may be done through self-attestation. The attached "Recording My Job Search Effort" is provided as a sample of what you may want to have individuals complete to document job search effort. Clients may also choose to use JobZone's Online Work Search Record to help record their job search contacts, but it is important to note that the system does not keep track of time spent for each job search/activity and some clients, depending on their experience using computers, may have difficulty navigating this feature of JobZone.

**Q30. Can job search and/or job readiness training be used as an ABAWD qualifying work activity?**

A30. As noted in the prior response, job search and/or job readiness training that is provided under the Workforce Innovation and Opportunity Act (WIOA) or the Trade Act count fully towards ABAWD requirements. Actual hours of participation in these activities must be documented monthly and entered into WTWCMS under job placement/development by the 15<sup>th</sup> of the month following the report month, until a new work activity is established on WTWCMS. Districts will also need to enter a separate job search/job readiness enrollment and actual hours of participation on WTWCMS in those instances where an ABAWD is concurrently receiving TA benefits to have the hours of participation that are reported as job placement/development for ABAWD compliance purposes counted towards the TA participation rate, until a system change is made to include hours of participation reported under job placement/development as participation in job search/job readiness.

Job search and/or job readiness training that is provided under the TA and/or SNAP E&T program are not ABAWD qualifying activities on a standalone basis, but may be counted as part of the monthly hours that an individual is participating to meet ABAWD requirements. Participation in job search and job readiness training under TA and/or SNAP E&T are limited to less than half of the total number of hours that the individual is participating in ABAWD qualifying activities each month. For example, participation in job search or job readiness that is provided under the TA or SNAP E&T program of up to 9 hours on average per week during the month may be counted to determine if the

individual met ABAWD requirements for the month. The individual would need to participate in other ABAWD qualifying activities for at least 11 hours per week on average during the month in addition to job search or job readiness training to meet ABAWD requirements for the report month. Please note that actual hours of participation in job search and/or job readiness training that are provided under TA or SNAP E&T must continue to be reported on WTCMS under the activities of job search and job readiness training and not as job placement/development.

If the client is re-establishing eligibility, then 12 hours of job search (or more if assigned by the district) will count towards re-establishing ABAWD eligibility as long as it is followed by a work experience assignment if employment is not secured during the 30-day period.

**Q31. One activity that counts fully toward the 80 hour ABAWD requirement is job search through a WIOA program. Will the One-Stop register and monitor ABAWD participation?**

A31. Monitoring of ABAWDs is a district responsibility. Districts should coordinate with the local One-Stop/Career Center to help ABAWDs fulfill the monthly work requirement. If an ABAWD contacts the district seeking help in meeting the ABAWD work requirement, the district is required to help the individual engage in a qualifying activity, which includes WIOA job search among other activities. If a WIOA funded job search is used, the district should explain to the client how to use JobZone ([www.jobzone.ny.gov](http://www.jobzone.ny.gov) or <http://newyork.us.jobs>) to locate job openings and that each month these tools must be used to support their effort. The districts should explain to the individual that all hours spent conducting job search activities during the month count toward the 80 hour requirement (e.g., interviews, online searches, completing applications, resume workshops) and explain the monthly documentation requirement. Monthly countable hours include and are expected to include effort beyond simply on-line job searches. Districts are required to monitor ABAWD participation by obtaining appropriate monthly documentation and recording hours on the Welfare-to-Work Caseload Management System (or on New York City timekeeping systems).

Districts are encouraged to coordinate with the local Career Center if doing so will expand job search resources for ABAWDs. For example, districts may want to hold joint job search orientation sessions at the Center and provide time for clients to use computers if the district has limited access to computer banks. A joint job search workshop would also be beneficial. Additionally, if someone has been largely conducting a self-directed job search for a period of time without success, one-on-one support from district and/or Career Center staff would be warranted.

### **Work Experience**

**Q32. Is an ABAWD who is assigned by the district to participate in work experience required to participate for at least 80 hours per month or would the individual meet ABAWD requirements by participating in work experience for the number of hours determined by dividing the household's SNAP allotment by the higher of the federal or State minimum wage?**

A32. An ABAWD will meet the ABAWD requirement for the report (calendar) month by participating in work experience, if assigned by the district, for the number of hours

determined by dividing the household's SNAP allotment by the higher of the federal or State minimum wage and then rounded down to the nearest whole number. The actual hours of participation must be documented and entered on WTCMS by the 15<sup>th</sup> of the following month. NYC HRA reports ABAWDs who did not meet ABAWD requirements for the report month separately to OTDA.

Note: The calculation to determine whether or not an individual met ABAWD requirements during a calendar month based on participation in a work experience activity is different than the calculation that is used to determine the maximum hours that an individual may be assigned to work experience for TA and SNAP E&T requirements. The latter calculation is based on the household's TA grant plus the SNAP allotment divided by the higher of the federal or State minimum wage and then rounded down to the nearest whole number.

**Q33. How should a district determine the number of hours that each adult can be assigned to work experience when the household includes more than one adult?**

A33. The method used to determine the maximum monthly work experience hours should be based on the SNAP allotment divided by the number of adult individuals on the SNAP case divided by the higher of the federal or State minimum wage rounded down to the nearest whole hour.

For example:

One adult:  $(\$194/1 \text{ adult})/\$9 = 21.55$  hours per month rounded down to 21 hours per month.

Two adults:  $(\$300/2)/\$9 = 16.66$  hours per month for each adult rounded down to 16 hours per month for each adult.

**Q34. What if the number of ABAWDs exceeds the number of work experience assignments available in a district?**

A34. There are a number of other activities an ABAWD can participate in to maintain their eligibility for SNAP benefits:

- Work (including "in-kind" work and volunteer work) for at least 80 hours per month;
- Participate in a qualifying work/training program approved by the social services district for at least 80 hours per month;
- Comply with a work experience assignment for the number of hours equal to the household's SNAP grant divided by the higher of the federal or State minimum wage (rounded down to the nearest whole number);
- Participate in a program under the Workforce Investment Opportunity Act or Trade Act which may include job search, job readiness, occupational skills training and education activities for at least 80 hours per month; or,
- Participate in a combination of work or qualifying work programs for at least 80 hours per month.

**Q35. If the client is referred to participate in work experience or another ABAWD qualifying activity, will the time that the ABAWD is going through the assessment process count towards the ABAWD requirement?**

A35. The hours that an individual is engaged in an assessment to determine an individual's suitability for a particular ABAWD qualifying work activity assignment may be reported as hours of participation in that work activity. For example, the time that an individual spends in an assessment to determine whether a work experience assignment is suitable may be reported as participation in work experience, but not the time that an individual spends in an employment assessment that is completed in accordance with 18 NYCRR §385.6. According to information published by USDA, the time that the individual spends participating in the development of an employment assessment and or plan may be included as participation in job search for ABAWD purposes.

### **Other Work Activities**

**Q36. Are English as a Second Language (ESL), High School Equivalency (HSE) Preparation and post-secondary education and training programs approved by the social services district considered ABAWD qualify activities?**

A36. Yes, ESL, HSE and post-secondary education and training programs approved by the social services district are ABAWD qualifying activities. Please note that individuals who are enrolled at least half-time in an institution of higher education must meet SNAP student eligibility criteria (see 18 NYCRR 387.1) to be eligible for SNAP benefits. Students who meet SNAP student eligibility criteria would be exempt from SNAP work requirement and therefore exempt from ABAWD requirements.

**Q37. Can the hours of participation in ABAWD qualifying education and training activities include unsupervised homework?**

A37. Up to one hour of unsupervised homework time for each hour of classroom instruction that an ABAWD actually participates in an ABAWD qualifying education and training activity may be reported as actual participation towards ABAWD requirements, provided that the total hours of homework time do not exceed the number of hours determined necessary by the education program. The homework time is combined with the actual hours of classroom instruction that the individual attended and reported on WTWCMS (NYC HRA systems for NYC) under the educational activity.

### **Noncompliance**

**Q38. Will the SNAP case automatically close when an ABAWD has received SNAP benefits for 3 months in a 36 month period without meeting ABAWD requirements?**

A38. No. The district should review the case record to determine that the ABAWD did not meet ABAWD requirements for 3 months in the 36 month period before processing a transaction to discontinue SNAP benefits for a SNAP household of one or to reduce the SNAP benefits for a multi-person SNAP household using a Welfare Management System (WMS) individual reason code of F94-ABAWD ineligible.

It is the district's responsibility to issue a timely and adequate notice to inform the SNAP household of the discontinuance or reduction in SNAP benefits because of failure to meet ABAWD requirements. OTDA recommends that districts issue the notice through the Client Notices System (CNS).

**Q39. If an ABAWD is noncompliant with a work activity, does a SNAP sanction or ABAWD requirement take precedence? More specifically, do we remove the individual from the SNAP budget (or close if a 1 person case) using the WE1, WE2 or WE3 or the F94?**

A39. If an ABAWD is assigned to a SNAP E&T or TA activity, fails to comply and has not exceeded his or her 3-months of eligibility for SNAP benefits, the district should send a conciliation notice as soon as the district is informed of the noncompliance to be followed by a sanction notice if appropriate. If the ABAWD has received/exceeded his or her 3 months of eligibility for SNAP benefits, the district should issue an ABAWD ineligible notice (F94).

Any time the individual is attempting to meet the ABAWD requirement through engagement that is not a SNAP E&T or Temporary Assistance work assignment, the district would issue an ABAWD ineligibility notice (using F94) to end SNAP benefits for the ABAWD once no longer eligible based on ABAWD rules.

**Q40. Does the notice that is sent to inform the household that an individual is ineligible for SNAP benefits because of noncompliance with ABAWD requirements (F94) need to be timely and adequate?**

A40. Yes, the ABAWD ineligible notice must be timely and adequate, unless the action is taken at recertification. If the action is taken as part of a recertification of the SNAP benefits, the district must process the case and issue the notice before the end of the certification period.

**Q41. Would a WMS case level reason code of B20/B30 (Upstate WMS) and an individual reason code of F94 be used when removing an ABAWD who has received 3 months of SNAP benefits and is not meeting ABAWD requirements from the SNAP budget for a HH greater than 1?**

A41. Yes.

**Q42. Is a case level reason code of I92 (no eligible individual) and an individual reason code of F94 used when closing a SNAP case of an ABAWD who has received 3 months of SNAP benefits and is not meeting ABAWD requirements?**

A42. Yes, for districts other than New York City. Workers in New York City will enter a case level rejection or closing reason code of F94 to discontinue SNAP benefits when the SNAP household equals one and an individual reason code of F94 to discontinue benefits to an ABAWD who has received 3 months of SNAP benefits in the 36 month period and is not meeting ABAWD requirements.

**Q43. Is conciliation required before issuing a timely and adequate notice when an ABAWD has received SNAP benefits for 3 months and is not meeting ABAWD requirements?**

A43. No. The appropriate action would be to issue a notice of intent using the reason code F94-ABAWD ineligible (Able-Bodied Adults Without Dependents) when the district has determined that an ABAWD has received SNAP benefits for 3 months in the 36 month period and is not meeting ABAWD requirements.

**Q44. If the client is given an opportunity to participate in an activity to avoid the SNAP E&T sanction, how does that affect the ABAWD requirement for month?**

A44. Districts are encouraged to help ABAWDs engage in work activities that enable the individual to avoid a SNAP sanction and help the individual meet ABAWD requirements. Doing so may require a change in the demonstrated compliance policy that some districts have established which offer the opportunity to participate in job search to avoid a SNAP sanction. In these instances, districts should permit the ABAWD to demonstrate compliance through engagement in an ABAWD qualifying activity so that the individual can avoid the SNAP sanction and the hours of participation would meet the ABAWD requirement.

**Q45. Does an ABAWD have the right to request a fair hearing to contest the discontinuance or reduction in SNAP benefits for failure to comply with ABAWD requirements?**

A45. Yes. ABAWDs can request a fair hearing and may receive aid to continue during the period of time that the fair hearing decision is pending if the request is made before the effective date of the Notice of Intent. If the client does not win the fair hearing, an overpayment and recoupment for any months that an ABAWD received SNAP benefits without meeting ABAWD requirements must be processed.

**Q46. If an individual is deleted from the SNAP budget due to not meeting the time limit for ABAWDs, should the individual's disposition status code (screen 5 of Upstate WMS) be changed to "08"- (Inactive-Non-applying HH Member) or would the individual reason code of F94 just be entered on screen 3 of WMS?**

A46. The reason code F94 (ABAWD ineligible) should be entered in all transactions that are being processed on WMS when an ABAWD has received SNAP benefits for 3 months and is not meeting ABAWD requirements. However, the individual disposition status code that should be used in the WMS transaction is dependent on the district that is providing SNAP benefits (NYC or a rest of state district) and whether or not the individual is concurrently receiving TA benefits.

For districts other than NYC, the individual disposition status code of "07"-Active (includes individuals who are sanctioned prorata) and would continue to be used on screen 5 of WMS when an ABAWD becomes ineligible for SNAP benefits, unless the individual also becomes ineligible for TA. However, the individual would be removed from the SNAP budget for noncompliance with ABAWD requirements and an individual reason code of F94 would be entered on screen 3 of WMS. The worker should also enter the date that the individual is ineligible for SNAP benefits in the "FS Individual Effective Date" field on screen 5 of WMS. The individual disposition status code would

be changed to “10”-Ineligible or Sanctioned Incrementally for districts other than NYC when the ABAWD becomes ineligible for TA and SNAP or is on an NTA-SNAP case and is determined ineligible because of not meeting ABAWD requirements.

For NYC, the individual’s SNAP status shown on the NQIN2A-Client Information screen would be changed to “CL” when an ABAWD on an active TA or NTA-SNAP case is determined to be ineligible for SNAP benefits because the ABAWD has received SNAP benefits for 3 months in the 36 month period and is not meeting ABAWD requirements.

## **Documenting/Monitoring Compliance with ABAWD Requirements**

### **Q47. Please describe the documentation requirements and the frequency for documenting the hours of participation that are reported towards ABAWD requirements.**

A47. An ABAWD’s participation in paid work may be supported by the client’s self-attestation for up to the first four weeks of employment in certain circumstances. Consistent with Temporary Assistance documentation requirements for paid employment, self-attestation of hours of employment at job entry is acceptable for up to four weeks in those instances in which the employer does not cooperate with efforts to obtain documentation or prior to the time that the client has routine employer documentation, such as a pay stub to verify the hours of paid employment and the district has concluded that requesting such documentation would jeopardize the job entry or future job entries by other applicants or recipients. Documentation of the hours of paid employment would be required to continue to report the hours of paid employment beyond the first four weeks. The district must review the documentation and adjust the hours of paid employment as entered on WTCMS (NYC HRA systems for NYC) and/or ABEL on a timely basis. The ABAWD is responsible for reporting when his/her hours of paid work fall below 80 hours in the month within 10 days of the following month and for providing documentation of the change, which must be acted upon timely regardless of whether or not there is a change in the SNAP allotment to the household.

Participation in unpaid work activities that is reported towards the ABAWD requirement must be supported by attendance documentation obtained no less than on a monthly basis. Actual hours of participation must be entered on WTCMS for each work activity by the 15<sup>th</sup> of the following month to ensure that the hours of participation are considered when the ABAWD tracking logic is completed for the report month. NYC HRA reports ABAWDs who did not meet ABAWD requirements for the report month separately to OTDA.

### **Q48. Do the hours of job search need to be recorded on the WTCMS/NYC HRA systems?**

A48. Yes, the hours of job search that the individual documents and the district determines are acceptable must be entered on the WTCMS by the 15 of the following month. NYC HRA reports ABAWDs who did not meet ABAWD requirements for the report month separately to OTDA.



**Q49. When do the hours of participation in ABAWD qualifying work activities need to be entered on ABEL and/or WTCMS/ NYC HRA systems to be considered in determining whether or not an ABAWD met the ABAWD requirement for the report month?**

A49. Districts must obtain information necessary to document the actual hours of participation in unpaid activities each month and enter this information on to WTCMS by the 15<sup>th</sup> of the month following the report month for the tracking logic to consider this participation when determining whether or not the ABAWD met the ABAWD requirement during the report month. NYC HRA reports ABAWDs who did not meet ABAWD requirements for the report month separately to OTDA. ABAWDs must verify hours of paid work at the following times for paid employment:

- Application
- Recertification
- Whenever an ABAWD's hours of work fall below 80 hours per month. (This must be reported within 10 days after the end of the month.)

Documentation of paid work hours must be maintained in the case record and should be entered on ABEL and WTCMS/NYC HRA systems on a timely basis.

**Q50. Will the hours of paid employment need to be entered on WTCMS/NYC HRA systems or will ABEL update the ABAWD tracker?**

A50. Documentation of paid work hours must be maintained in the case record and should be entered on ABEL and WTCMS/NYC HRA systems on a timely basis.

For districts other than NYC, the system logic will look at engagement information entered by the district on ABEL/WTCMS to determine whether a trackable ABAWD met the ABAWD requirement during the report month. The system logic will first look at ABEL/CMS to determine whether the ABAWD had any hours of paid employment during the report month. Districts are encouraged to enter the hours of paid employment on ABEL and a schedule of the hours of paid employment on WTCMS as there are instances where the hours of paid employment will not be entered on ABEL until the district budgets the earned income. An override will need to be completed if the hours of paid employment are not entered or removed on a timely basis resulting in the system logic determining that the individual did/did not meet ABAWD requirements in the report month based on the previously entered information. If the hours of paid employment are not sufficient to meet the ABAWD requirement, the system will then look to see if the trackable ABAWD actually participated in other ABAWD qualifying work activities during the report month and met the ABAWD requirement. NYC uses a similar process using NYC HRA systems to determine whether or not the individual meet ABAWD requirements for the report month.

**Q51. How will an ABAWD document hours of participation in job search?**

A51. The individual must keep a log of his/her hours of job search and provide the log to the district for review on a monthly basis.

**Q52. What documentation do self-employed ABAWDs need to provide to verify they are working 80 hours per month?**

A52. Self-employed individuals are expected to document hours of paid employment through business records, such as written statements from individuals or organizations who hire an individual to perform work as a self-employed individual. OTDA has requested additional information from USDA regarding this documentation requirement and will provide the additional information when available.

**Q53. How are hours that an ABAWD volunteers at a public or non-profit organization reported?**

A53. The hours that an ABAWD volunteers at a public or non-profit organization would be comparable to work experience for purposes of determining the hourly requirement. Therefore, the actual hours that an ABAWD volunteers at a public or non-profit organization, such as a public library, public school or volunteer (non-profit) fire department must be documented for the report month and should be entered on WTCMS (NYC HRA systems) as work experience. An individual who volunteers at a public or non-profit organization and participates during the month for the number of hours determined by dividing the SNAP allotment by the higher of the federal or State minimum wage will meet the ABAWD requirement for the month.

**Q54. Will districts need to “track” school attendance?**

A54. Yes, unless an individual is determined to be exempt from SNAP work requirements due to enrollment at least half-time in a recognized school, training or institution of higher education and assigned a SNAP employability code of “72”, actual hours of participation in educational activities and other unpaid work activities during the report month must be documented and entered on WTCMS by the 15<sup>th</sup> of the following month for the system to consider the hours of participation when determining whether or not the individual met the ABAWD requirement for the report month. NYC HRA reports ABAWDs who did not meet ABAWD requirements for the report month separately to OTDA.

**Q55. When a TA/SNAP person is assigned to a work activity, we allow for excused absences. Does that hold true for a NTA SNAP person assigned to a work activity?**

A55. Yes. The hours that an ABAWD does not participate for a good cause reason are counted as hours meeting the ABAWD work requirement so long as the absence is temporary and the individual retains his/her job or otherwise resumes participation in a an ABAWD qualifying activity. The hours of excused absences reported for ABAWD purposes are not subject to the federal limits that apply to Temporary Assistance for Needy Families and Safety Net Maintenance of Effort (MOE) families, but the reason for granting good cause must be documented in the case record and reported in the same manner as it is reported for TA purposes. Excused absence may include circumstances beyond the individual’s control, such as, but not limited to, illness of the individual, illness of a household member that required the presence of the individual, or a household emergency.

Districts may report actual hours of participation on WTCMS on a daily or weekly basis, but will need to report the hours of excused absence for ABAWDs who are on a

WMS case type 31 in the field included on the right side of the WTWCMS screen that is used to report actual hours of participation on a weekly basis (see screenshot below). Hours of excused absence for TA case types must continue to be reported consistent with [08 ADM-07](#) for households with dependent children and [07 ADM-08](#), for households without dependent children.

DAILY HOURS					
Fill Tue-Fri		Start Time	End Time	Sched	Actual
Clear	Monday: 2/24/2014	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Clear	Tuesday: 2/25/2014	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Clear	Wednesday: 2/26/2014	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Clear	Thursday: 2/27/2014	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Clear	Friday: 2/28/2014	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Clear	Saturday: 3/1/2014	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Clear	Sunday: 3/2/2014	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Excused Absence Reason:

WEEKLY HOURS	
MIN HRS FOR PART: Not Applicable	
Scheduled:	<input type="text" value="3"/>
Actual:	<input type="text" value="0"/>
Countable Excused:	<input type="text"/>
Total Actual Hours:	<input type="text" value="0"/>
Non-Countable Excused:	<input type="text"/>
Unexcused:	<input type="text"/>

NOTE: Scheduled hours should not exceed 40 hours. Actual hours do not include lunch breaks.

**Q56. Will districts still have until the 15<sup>th</sup> of the following month to enter hours of participation on WTWCMS?**

A56. Yes

**Q57. How should the hours of in-kind work be documented and reported?**

A57. Hours of in-kind work may be documented via a statement from the individual or organization authorizing the in-kind work that is performed by an ABAWD. For example, the hours of in-kind work that an ABAWD is performing each week for a reduced rent may be documented through a written statement from the individual's landlord. In those instances where the in-kind work does not result in earned income being budgeted, the district should report the documented actual hours of work completed in the month under community service. The actual hours of in-kind work reported as community service must be documented and reported on WTWCMS by the 15<sup>th</sup> of the following month.

**Q58. What information will be provided to help districts monitor compliance with ABAWD requirements each month?**

A58. The WTRK31 Screen available on Employment Tracking Inquiry, Selection P – FS ABAWD Tracking (accessed via the Time Limit Tracking Menu, Upstate WMS Menu Selection 17, NYC WMS Menu Selection 11) will include a field to identify the number of months that an ABAWD received SNAP benefits without meeting ABAWD requirements during the 36 month period and a separate field to identify the calendar month/year that the ABAWD did not meet the ABAWD requirement in the 36 month period. The monthly determination of ABAWD compliance will be based on the information entered by the district on WMS and ABEL/WTWCMS (NYC HRA systems for NYC). Changes have also been made to WTRK31 screen to identify when an individual has received the one-time, 3 consecutive month grace period in the 36 month period.

**Q59. How will districts know if an ABAWD received SNAP benefits in another county without meeting ABAWD requirements during the 36 month period?**

A59. The number of months that an ABAWD did not meet ABAWD requirements statewide during the 36 month period will continue to be tracked through the Welfare Reporting Tracking System and displayed on WTRK31 screen (available through Screen 17 of WMS). OTDA is also making changes to WTCMS to display ABAWD specific information including the number of months that an ABAWD did not meet ABAWD requirements.

**Q60. Are there plans to enhance existing or develop new Cognos reports to help districts monitor compliance with ABAWD requirements?**

A60. Yes. Recommendations regarding enhancements to existing reports or the development of new reports should be provided to your district's Employment Services Advisor for discussion.

### **ABAWD Exclusions**

**Q61. Which ABAWDs can be excluded from ABAWD requirements?**

A61. Each district is responsible for developing the ABAWD exclusion policy that the district will use to exclude ABAWDs from ABAWD requirements up to the number of ABAWD exclusions provided by OTDA. Districts must ensure that ABAWD exclusions are applied consistently. For example, a district that plans to grant ABAWD exclusions to ABAWDs who are working, but are not working a sufficient number of hours each month to meet ABAWD requirements would need to ensure that the district has a sufficient number of ABAWD exclusions to grant an exclusion to all ABAWDs who fall into this group during the report month. A district has the option to use more than the average monthly number of exclusions in any one month, but doing so for large groups such as those in the fourth month may result in having no exclusions available in future months.

**Q62. How will ABAWD exclusions be tracked?**

A62. Each district is responsible for tracking and reporting the number of ABAWD exclusions used on a monthly basis. Districts other than NYC are able to report the use of an ABAWD exclusion by entering an ABAWD Indicator code of "X" on screen 4 of WMS or on the individual tab on myWorkspace on the line of the ABAWD that has been granted an ABAWD exclusion by the district for the calendar month. Districts should review these cases on a monthly basis to ensure that the individual still qualifies for an ABAWD exclusion consistent with the policy established by the district. For NYC, an ABAWD exclusion would be reported by entering an "X" in the ABAWD indicator field on the Eligibility screen NCEM15 - Individual Information or the Undercare Data Entry Screen NUCMCL for the month.

An override transaction must be completed through the WTRK43 screen (see [GIS 16 TA/DC028](#)) to add a prior calendar month where the district granted an ABAWD exclusion, but an ABAWD indicator of "X" was not entered on WMS during the calendar month or to delete a calendar month that was reported as excluded in error. A separate

override transaction must be processed if the calendar month needs to be added to the individual's ABAWD counter.

**Q63. Will the ABAWD exclusions that are made available to the district roll over to the next month if not used by the district?**

A63. The number of ABAWD exclusions made available to each non-waived district is based on calendar year 2016 (12 month period). Therefore, a district that opts to use ABAWD exclusions after the ABAWD has received SNAP benefits for 3 months without meeting ABAWD requirements may have more monthly exclusions to use during the remainder of calendar year 2016. However, each district must monitor the use of ABAWD exclusions to ensure that the ABAWD exclusions are applied consistently and that the district does not exceed the number of ABAWD exclusions made available to the district by OTDA.

**Q64. Do districts have the flexibility to grant ABAWD exclusions after an ABAWD has received SNAP benefits for 3 months without meeting ABAWD requirements?**

A64. Yes, districts may opt to grant ABAWD exclusions starting in January 2016 or after the ABAWD has received SNAP benefits for 3 months without meeting ABAWD requirements. Districts were asked to include this information in the ABAWD exclusion policy that the district submitted to OTDA for review.

**Q65. Can districts establish a limit on the number of months that an ABAWD can be excluded from ABAWD requirements?**

A65. Yes, as the number of ABAWD exclusions is limited. Districts can establish a limit on the number of months that an ABAWD can be granted an exclusion from ABAWD requirements, provided that the limit is consistently used by the district. For example, a district may establish a 3 month limit on the number of months that an ABAWD meets the district's ABAWD exclusion policy. ABAWDs should be informed of the limit and that he/she must be meeting ABAWD requirements at the end of the ABAWD exclusion time limit established by the district to continue to receive SNAP benefits each month.

### **Re-establishing Eligibility**

**Q66. Is an ABAWD eligible for expedited SNAP benefits?**

A66. An ABAWD who has already received SNAP benefits for 3 months in the 36 month period is not eligible for expedited SNAP benefits until he/she re-establishes SNAP eligibility by meeting ABAWD requirements through one of the methods described in the response to Q.68, documenting that he/she is exempt from ABAWD requirements or documents that he/she resides in an area with an approved ABAWD waiver.

Districts must continue to complete the SNAP Application Expedited Processing Summary Sheet ([LDSS-3938](#)) and maintain the form as part of the case record, regardless of whether or not the ABAWD is ineligible for expedited SNAP benefits because of not meeting ABAWD requirements. The screening forms are subject to review as part of the SNAP Management Evaluation that is completed each year.

**Q67. How does the district process the SNAP application timely when a client has 30 days to reestablish eligibility?**

A67. ABAWDs can re-establish eligibility for SNAP benefits by documenting that he/she is exempt from ABAWD requirements or by complying with ABAWD requirements. Re-establishing eligibility for SNAP benefits may be done through one of the following four methods:

- Applicant Prospective Compliance within 30 consecutive days from the date of application,
- 80 Hours of Participation in ABAWD qualifying activities within 30 consecutive days,
- 30 Day Job Search followed by a work experience assignment, or,
- Recipient Prospective Compliance within 30 consecutive days.

Districts should refer to Section 385.3 of the Temporary Assistance and SNAP Employment Policy Manual for detailed information on the methods that can be used to re-establish eligibility for SNAP benefits by complying with ABAWD requirements. If the ABAWD demonstrates compliance with ABAWD requirements within the 30 consecutive days, SNAP benefits would be authorized back to the date of application for SNAP benefits, but not prior to the date of application even if the individual met ABAWD requirements before the date of application.

**Q68. How can someone re-establish eligibility for SNAP after being closed for not meeting ABAWD requirements?**

A68. If the individual became ineligible for SNAP due to failing to meet the ABAWD requirements they would have to re-establish eligibility for SNAP benefits by documenting that he/she is exempt from ABAWD requirements, resides in an area that has an approved ABAWD waiver or by complying with ABAWD requirements through one of the following methods (and is otherwise eligible) to receive SNAP again:

- Applicant Prospective Compliance
- 80 Hours of Participation in ABAWD qualifying activities
- 30 Day Job Search/WEP assignment
- Recipient Prospective Compliance

The SNAP application must always be accepted on the date that it is submitted to the agency. The standard eligibility rules apply and benefits should be issued back to the date of application after the individual has reestablished eligibility through one of the methods noted above, provided that the individual is otherwise eligible for SNAP benefits. Districts should refer to Section 385.3 of the Temporary Assistance and SNAP Employment Policy Manual or i-Linc training Course 3- Monitoring and Tracking Compliance with ABAWD requirements for specific information on reestablishing SNAP eligibility by complying with ABAWD requirements.

**Q69. Can the SNAP case be reactivated if the individual provides verification within 30 days after closing or does the individual need to reapply for SNAP benefits?**

A69. Districts are allowed to reinstate the eligibility of affected SNAP households, without requiring the household to either file a new SNAP application or complete an eligibility

interview, if a household provides whatever missing information or verification is necessary to re-establish SNAP eligibility within 30 days of the effective date of termination of eligibility **and** the household has at least 3 months, (4 months in NYC), remaining in their original certification period following the date of compliance with all other requirements for reactivation.

A common situation for which the case reactivation may be used is when a household's SNAP case has been closed for failure to submit or complete a periodic report and subsequently fulfills that requirement after the SNAP case has been closed.

The following conditions must be met for the case to be reactivated:

- The household must report and verify all changes in circumstances that occurred following the effective date of the most recent closing of the household's SNAP case;
- The household must provide any outstanding information that may have resulted in the most recent closing of the household's SNAP case;
- The household must fulfill these requirements within 30 days of the case closing;
- The household must be eligible for SNAP benefits during the reinstatement month and during the remaining months of the certification period;
- The household's case must be in closed status; and,
- If the household resides in a district outside of New York City (NYC), it should have at least 3 full months remaining in the certification period following the date of compliance with all other requirements for reactivation. If the household resides in NYC, it should have at least 4 full months remaining in the certification period following the date of compliance with all other requirements for reactivation. This criterion is necessary due to the systemic requirements for generating timely recertification notices and scheduling and completing recertification interviews. In most instances, within the last 3 months (4 months in NYC) of the original certification period, it would be more beneficial for both the household and the local district for the household to file a new application.

For ABAWD purposes, the district may reinstate the eligibility of the SNAP household without requiring the household to either file a new SNAP application or complete an eligibility interview, if the household meets the requirements identified above and the household/individual subsequently brings in documentation that they will meet ABAWD requirements in the next 30 days. This situation would fall under applicant prospective compliance because the case was closed, but if the individual documents that he/she will prospectively meet ABAWD requirements within the next 30 days, SNAP benefits would be reinstated from the date that the individual provided the required documentation. There may still be an overpayment in the month of closing depending on whether or not the individual met the ABAWD requirement for the month.

**Q70. Can you provide more details regarding the job search that can be assigned to re-establish eligibility for SNAP benefits? Specifically, what will count as acceptable documentation of the job search by the client? Will self-attestation be allowed?**

A70. A SNAP applicant can regain eligibility for SNAP by participating in a 30-day job search followed by a mandatory work experience assignment. The SNAP applicant must participate in job search for a minimum of 12 hours (or more if the district establishes a policy which requires more than 12 hours of job search) in a 30-day period and then

participate in a work experience if a job is not obtained by the end of the 30-day period. A job search log must be completed and submitted by the SNAP applicant to document their job search activities during the 30-day period.

A SNAP applicant may also regain eligibility for SNAP by participating in a 30-day job search under WIOA for 80 hours. Participation in 80 hours of WIOA job search would enable an ABAWD to re-establish eligibility/compliance with ABAWD requirements.

**Q71. Do districts have the option to require more than 12 hours of job search in the 30 day period that may be required for a SNAP applicant to reestablish SNAP eligibility after becoming ineligible for SNAP benefits for not meeting ABAWD requirements?**

A71. Districts have the discretion to require more than 12 hours of job search for a SNAP applicant to reestablish eligibility for SNAP benefits by complying with ABAWD requirements, if the district requires job search for SNAP applicants. A district may also instruct an ABAWD how to re-establish eligibility for SNAP by participating in a 30-day job search under WIOA for 80 hours.

**Q72. Are there a specific number of direct contacts required for job search?**

A72. No. Compliance with ABAWD requirements is determined based on the number of hours that an individual participates in ABAWD qualifying activities, not a minimum number of contacts. Therefore, districts must ensure that a SNAP applicant who participates in job search followed by a work experience assignment to re-establish eligibility for SNAP benefits by complying with ABAWD requirements participates in job search activities for at least 12 hours in the 30-day period and is then assigned to work experience if a job is not obtained by the end of the 30-day period.

**Q73. Is a work experience assignment following participation in job search for a minimum of 12 hours in a 30 day period required for an applicant to re-establish SNAP eligibility if employment is not secured during the 30 day period?**

A73. Yes. If a district provides the option to re-establish eligibility through 12-hours of applicant job search, the district must enroll the ABAWD in work experience the month the case opens.

**Q74. Can the method that involves a minimum of 12 hours of job search in a 30 day period followed by a work experience assignment be used by a recipient to prospectively comply with ABAWD requirements?**

A74. No. Federal regulations limit the use of this method to applicants who are attempting to re-establish eligibility for SNAP benefits by meeting ABAWD requirements.

**Q75. What documentation is required to demonstrate prospective compliance with ABAWD requirements within a 30 day period?**

A75. The individual may initially provide a written statement, but must then provide documentation to the satisfaction of the district to document that he/she will meet ABAWD requirements within the 30-day period. If the ABAWD does not document compliance with ABAWD requirements after receiving SNAP benefits, an overpayment



may need to be established (see [05 ADM-15](#) and [04 ADM-01](#) for the relevant threshold amounts) since an ABAWD can only receive SNAP benefits for 3 months in a 36 month fixed period, unless the ABAWD is determined to be exempt, is granted an ABAWD exclusion by the district or resides in an area with an approved ABAWD waiver.

**Q76. Can a SNAP applicant re-establish SNAP eligibility by complying with a work experience assignment during the 30 consecutive days from the date of application?**

A76. A SNAP applicant cannot be assigned to work experience, unless the household has received TA for the month because there wouldn't be a TA grant or SNAP benefit in which to determine the maximum number of hours that adult individuals in the household may be assigned to work experience.

### Reporting Related Questions

**Q77. Are cases that are otherwise subject to SNAP simplified reporting rules required to report any changes other than when the household's income exceeds 130% of the federal poverty level during the certification period?**

A77. Yes, SNAP cases that include an ABAWD are also required to report when the ABAWD's hours of work have fallen below 80 hours per month. This change must be reported within 10 days following the month that the hours of work fell below 80 hours for the month.

**Q78. A SNAP household reports a change in circumstances at the recertification interview which results in an adult individual becoming subject to ABAWD requirements. When would the individual become subject to ABAWD requirements, the month after the change is reported or the first month of the new certification period, assuming the SNAP benefits are recertified?**

**Example: A SNAP household completes a recertification interview on April 12<sup>th</sup> for a June 1<sup>st</sup> recertification and reports that the only child on the SNAP case moved out of the household at the end of May resulting in the adult becoming an ABAWD. Would the district process the change in ABAWD status in the month that the change is reported or would the change be effective June 1<sup>st</sup>.**

A78. The adult would become subject to ABAWD requirements from the beginning of the next month (the month after the change is reported). Using the example provided, the district should inform the individual that he/she is subject to ABAWD requirements as of May 1<sup>st</sup> and of the consequences if the individual does not meet ABAWD requirements during the recertification interview. The district would then process a change through WMS to update the individual's ABAWD status before the end of the month that the change in reported. If the change in ABAWD status is not completed through WMS by the end of the month that the change is reported, the district may need to process an override if the individual should have been a trackable ABAWD and did not meet ABAWD requirements in that month.

**Q79. Would an overpayment be calculated if a case that was otherwise subject to SNAP simplified reporting rules waited until the 6 month report to notify the district of a change that would have resulted in the individual becoming an ABAWD and subject to ABAWD requirements?**

**Example: An individual is not subject to ABAWD requirements at opening because the SNAP household included a child under the age of 18. The child leaves the household during the certification period, but the household waits until submitting the 6 month report to report the change. The adult would have been an ABAWD the month after the child left the household and has received two months of SNAP benefits without meeting ABAWD requirements at the time that the 6 month report is submitted.**

A79. No, if a non-reportable change occurs in a household that is subject to SNAP simplified reporting rules causes a client to be subject to the ABAWD time limit, the district must start the three months that the individual may receive SNAP benefits without meeting ABAWD requirements from the date the district knows the individual is an ABAWD and subject to the ABAWD time limit. No overpayment would be calculated because a household that falls under SNAP simplified reporting rules is only required to report when the household's income exceeds 130% of the federal poverty level and in those instances where the SNAP household includes an ABAWD, when an ABAWD's hours of work fall below 80 hours in a month until the eligibility review (6 month report or recertification, whichever is sooner).

**Q80. Would an overpayment be calculated if a case that was subject to SNAP change reporting rules waited until the 6 month report to notify the district of a change that would have resulted in the individual becoming an ABAWD and subject to ABAWD requirements?**

A80. Yes, since the household was required to report changes within 10 days following the month of change, an overpayment may need to be established depending on the amount (see [05 ADM-15](#) and [04 ADM-01](#) for the relevant threshold amounts) since an ABAWD can only receive SNAP benefits for 3 months in the 36 month period, unless the ABAWD is determined to be exempt, is granted an ABAWD exclusion by the district or resides in a waived area.

**Q81. If a simplified reporting household voluntarily reports information that also indicates that a member of the household has become an ABAWD, would the district treat the household member as an ABAWD and limit the number of months that the member can receive benefits?**

**Example: The SNAP household consists of a mother and child. The child moves out and the mother reports this to the SNAP office. The mother would have been an ABAWD, but for the child's presence in the SNAP household. The State agency treats the voluntary report as verified upon receipt, and reduces the SNAP benefits to a one-person allotment.**

A81. Yes, if the household has voluntarily reported that it experienced a change in circumstances that have made a member(s) an ABAWD subject to the time limit, the district should notify the household about the time limited participation and reporting

requirements, and must start tracking the three countable months, unless the individual meets another ABAWD exemption.

**Q82. A SNAP household consists of an adult, age 40, and a son, who is 17 years old. At the time of the certification for SNAP benefits, both members of the SNAP household are exempt from ABAWD requirements because the son is under 18 years of age. The district assigns the household to a 12-month certification period under simplified reporting. The son turned 18 on the 5<sup>th</sup> day of the 4 month of the certification period, before the 6 month report is required. Assuming, neither individual is otherwise exempt from ABAWD requirements, would the individuals be subject to ABAWD requirements in the calendar month after the son turns 18 (he was 18 years of age for only part of the fourth month) or would the members of the household be subject to ABAWD requirements when the change is reported as part of the 6 month report?**

A82. According to information provided by USDA, the change in the son's ABAWD status because of age is known to the district and therefore does not require the household to report the change to the district. Both household members would be subject to ABAWD requirements starting in the month after the son turned 18, unless each household member documents that he/she is exempt from ABAWD requirements for another reason. If the son's date of birth was the first of the month, both members of the SNAP household would be subject to ABAWD requirements in that month. The district must track each ABAWD's compliance with SNAP benefits and discontinue SNAP benefits for the individual after the individual has received SNAP benefits for 3 months in the 36 month period and the individual is not meeting ABAWD requirements, unless the individual is granted an ABAWD exclusion for the month by the district.

OTDA recommends that districts use anticipated future action (AFA) codes on WMS to follow up on changes that result in a household including an ABAWD. An AFA code of 105, Individual Turning 18 Years, could be used to identify when an individual receiving SNAP benefits will turn 18 years of age.

## **Grace Period**

**Q83. Can an ABAWD receive more than one grace period in the 36 month period?**

A83. No. An individual may receive only **one** grace period in the 36 month period. The grace period provides one additional, 3 consecutive month period in the 36 month period that certain ABAWDs can use to retain their SNAP eligibility without meeting ABAWD requirements. The 36 month period started January 1, 2016. When an ABAWD qualifies for the 3-month grace period, he or she may receive SNAP without meeting the ABAWD requirement for 3 consecutive months, provided that the individual is otherwise eligible for SNAP benefits.

The one-time, 3 consecutive month grace period starts the first month that the ABAWD did not meet ABAWD requirements after reestablishing eligibility for SNAP benefits by meeting ABAWD requirements.

An ABAWD will qualify for the 3-month grace period if all of the following apply:

- The ABAWD's SNAP benefits have been stopped after the individual received SNAP benefits for 3 months in the 36 month period because the individual was not meeting ABAWD requirements,
- The ABAWD subsequently regained their eligibility by complying with ABAWD requirements, **and**,
- The current inability to meet the ABAWD requirement is due to a loss of a job or work assignment. For example, the job may be completed, the individual was laid-off, or the company went out of business.

**Q84. Can an ABAWD who restored his/her eligibility for SNAP benefits by documenting that he/she is exempt from ABAWD requirements or lived in an area with an approved ABAWD waiver at the time of application for SNAP benefits eligible to receive the grace period if the individual subsequently becomes subject to, but does not meet ABAWD requirements?**

A84. No. According to clarification provided by USDA, an ABAWD is only eligible for the grace period if the ABAWD was previously determined ineligible for SNAP benefits because he/she received SNAP benefits for 3 months in the 36 month period and was not meeting ABAWD requirements re-established his/her eligibility for SNAP benefits by meeting ABAWD requirements.

If an individual who was exempt or lived in an area with an approved ABAWD waiver at the time of application for SNAP benefits becomes an ABAWD and is not meeting ABAWD requirements after already receiving SNAP benefits for 3 months in the 36 month period, the district should process an F94 transaction to discontinue the SNAP benefits for a SNAP HH=1 or to reduce the SNAP benefits for a HH>1. If the ABAWD reapplies for SNAP benefits, and reestablishes SNAP eligibility by meeting ABAWD requirements, the ABAWD may qualify for the 3 consecutive month grace period, if the individual has not already received the grace period during the same 36 month period.

**Q85. Can an ABAWD immediately start the grace period after receiving SNAP benefits for 3 months without meeting ABAWD requirements?**

A85. No. Federal regulations require that the individual become ineligible for SNAP benefits because the individual is not meeting ABAWD requirements, re-establish SNAP eligibility by complying with ABAWD requirements and then not meet ABAWD requirements in a future month. The three-consecutive month grace period is only allowed once during the 36 month period and would start the month that the individual did not meet ABAWD requirements after becoming ineligible for SNAP benefits because of not meeting ABAWD requirements and re-established SNAP eligibility.

## **Supportive Services**

**Q86. Is the district required to provide supportive services to ABAWDs?**

A86. Districts are not required to provide support services to ABAWDs who are meeting ABAWD requirements through a qualifying activity unless the district has assigned the ABAWD to a required SNAP E&T or TA work assignment.

## Other

**Q87. Please explain the treatment of resources of an ineligible household member, which may include an ABAWD, who is ineligible for SNAP benefits because the individual has received 3 months of SNAP benefits in the 36 month period and is not meeting ABAWD requirements.**

A87. The resources of an ineligible individual, including an ineligible ABAWD, are only assessed if the individual resides in a household that is not categorically eligible. If the SNAP household is categorically eligible, a resource determination is not necessary. Therefore, if the household which contains the ineligible ABAWD is categorically eligible, the resources of the ABAWD would not be counted.

That being said, a household which contains a member who is currently on a SNAP sanction or an IPV, or households containing an aged and/or disabled member (an "X" or "A" in the ABEL A/D field), and the household's total countable income from both earned and unearned income exceeds the 200% Gross Income Test, the household is not categorically eligible for resources and are therefore subject to a resource test. If the ineligible ABAWD is also sanctioned or has an IPV, or any other member of the household is sanctioned or has an IPV, then the household is not categorically eligible and the resources of the ineligible ABAWD would be subject to SNAP resource limits.

**Q88. Would the deeming process be used to calculate the new SNAP budget for the household when an ABAWD is removed from a multi-person SNAP budget for noncompliance with ABAWD requirements?**

A88. Yes. According to 7 CFR 273.11(c)(2), the earned or unearned income of an individual who has been determined ineligible for SNAP benefits because he/she is not meeting ABAWD requirements shall continue to be counted as income, less a pro rata share for the individual.