

DATE: July 30, 2019

TO: Subscribers

SUGGESTED DISTRIBUTION: Commissioners, TA Directors, SNAP Directors,
Employment Coordinators, Staff Development Coordinators

FROM: Jeffrey Gaskell, Deputy Commissioner
Employment and Income Support Programs

SUBJECT: Exemption from Supplemental Nutrition Assistance Program (SNAP) Able
Bodied Adults Without Dependents (ABAWD) requirements for individuals in
receipt of Worker's Compensation.

EFFECTIVE DATE: Immediately

CONTACT PERSON: Employment and Advancement Services Bureau at: (518) 486-6106

The purpose of this General Information System (GIS) message is to inform social services districts (districts) of recent clarification from the United States Department of Agriculture Food and Nutrition Services (FNS) regarding the Able Bodied Adults Without Dependents (ABAWD) status of an individual who is receiving Worker's Compensation benefits.

Based on clarification provided by FNS, individuals who are receiving Worker's Compensation benefits are exempt from ABAWD requirements, regardless of the percentage of disability rating. SNAP recipients, including those individuals concurrently receiving Temporary Assistance, who are receiving Worker's Compensation benefits should be assigned an ABAWD indicator code of "N" (Non-ABAWD).

Federal regulations at 7 CFR 273.24(c)(2) state the ABAWD time limit does not apply to an individual if he or she is determined by the State agency to be medically certified as physically or mentally unfit for employment. An individual is medically certified as physically or mentally unfit for employment if he or she:

- i. Is receiving temporary or permanent disability benefits issued by governmental or private sources;
- ii. Is obviously mentally or physically unfit for employment;
- iii. If the unfitness is not obvious, provides a statement from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, a licensed or certified psychologist, a social worker, or any other medical personnel the State agency determines appropriate, that he or she is physically or mentally unfit for employment.

For the purposes of determining an exemption from the ABAWD time limit, clients receiving temporary or permanent disability benefits issued by governmental or private sources, which includes Social Security Income (SSI), Social Security Disability Income (SSDI), New York State Disability, Veteran's Disability Compensation, and Worker's Compensation Benefits, **or** who

have submitted other proof of temporary disability or illness that is serious enough to temporarily prevent 20 or more hours of employment per week, are exempt from the ABAWD time limit. While individuals are exempt from ABAWD requirements based on the receipt of Worker's Compensation benefits, they may still be subject to SNAP work requirements, unless the district determines that the individual meets one of the SNAP work requirement exemptions consistent with 18 NYCRR 385.3. The district should assign the appropriate SNAP employability code based on the individual's specific circumstances.

A change is being made to the ABAWD selection logic to exclude SNAP recipients with Worker's Compensation Benefits identified on the Automated Budgeting and Eligibility Logic (ABEL) with unearned income source codes of "59" – Worker's Compensation for rest of state Welfare Management System (WMS) and unearned income source codes of "33" – Worker's Compensation for New York City (NYC) WMS budgeted in the SNAP budget during the calendar month.