

- ~~1. We will use the ABAWD/BFET Referral Tool in order to give the client the choice of ABAWD Navigators in their location; and~~
- ~~2. The worker will complete a General Correspondence letter including the chosen Navigator's contact information for the client.~~

Monitoring ABAWD Participation

Staff are responsible to:

1. ~~D~~Determine if participation was required;
2. ~~D~~Determine if client met participation ([review proof if required](#));
3. ~~T~~Take case action as appropriate including entering non-qualifying months for any full benefit month when the client failed to participate; and
4. ~~D~~ocument and provide client with notification as appropriate.

Combining Work and/or Training to meet requirements

The options for meeting work participation requirements are:

1. Participate in paid employment for 80 hours a month (20 hours a week average);
2. Participate in an [approved training program](#) for 80 hours a month(20 hours a week average);
3. Participate in [unpaid work](#) for 80 hours a month (20 hours a week average);
4. Participate in a combination of work and back to work activities (1 - 3 above) to make a total of 80 hours a month or an average of 20 hours per week; and/or
5. Volunteer in [Workfare](#) for the calculated required number of hours per month. This activity cannot be combined with options 1-4.

EXAMPLE:

Joanna is an ABAWD living in non-waived area. She has a job where she works 10 hours a week. This alone is not enough hours to meet the ABAWD Policy requirements. She receives \$100 a month in Basic Food benefits. Joanna has four* choices to continue receiving Basic Food benefits:

1. Increase the number of hours she is working to 80 hours a month;
2. Participate in an approved training program for at least ten hours a week average (to make a total of 80 hours a month in work and training) ;
3. Participate in unpaid work for at least ten hours a week average (to make a total of 80 hours a month in work and training); or
4. Volunteer at a workfare agency for **58** hours a month (Local minimum wage is ~~1216.69/ hr~~.
 $\$100 \div \del{1316.6950} = \mathbf{58}$ hours- rounded down).

*If Joanna becomes exempt or moves to a waived area, she also may be eligible to continue to receive food benefits.

Good Cause:

Good Cause occurs when a client has a reason for why they could not meet participation temporarily. Please see Chapter [Basic Food Work Requirements – Good Cause](#).

Clarifying Information - [WAC 388-444-0035](#)

A client is an Able Bodied Adult without Dependents (ABAWD) if they are able to work and have no children in their Assistance Unit (AU). ABAWDs may receive Basic Food benefits for three out of every 36 months if they aren't meeting work requirements and they don't qualify for an exemption. If a client is exempt from work registration rules under WAC 388-444-0010 they are exempt from ABAWD participation. However there are further exceptions that a client may meet under WAC 388-444-0035.

NOTE:

Some areas of the state may be waived from ABAWD time limits.

See the [ABAWD website](#) for more information about waived and non-waived areas.

Children in the home

When an Assistance Unit (AU) includes a member under age 18, all adults in the AU are exempt from ABAWD participation regardless of their responsibility to care for the child. Sometimes the child may not be eligible due to alien status or failure to provide their Social Security number; this does not affect the ABAWD status of the adults in the home. If the child is not on the AU, such as in a roommate situation where the adults purchase and prepare separately, the client is an ABAWD.

NOTE:

If there is a child in the AU there are no ABAWDs. However, this does not automatically exempt the adult(s) in the AU from work registration. Correctly code the work screen to reflect the adult(s) work registration status.

Example: Dylan and his child Nathan receive Basic Food. Nathan is turning 18 in the month of May and is no longer in school. Both will become ABAWDs effective June 1st, unless otherwise exempt.

Example: Aunt Nicholle is caring for her niece Christina, who is seven years old, during the summer. Christina is a part of Nicholle's AU during these months. Christina is returning to her home September 13th. Nicholle will become an ABAWD effective October 1st, unless otherwise exempt.

Temporary Assistance for Needy Families (TANF) Clients

TANF clients aren't subject to ABAWD participation time limits because they have children or meet the pregnancy exemption for ABAWD participation. Do not code them as an ABAWD.

A pregnant TANF recipient, with no other children, who is sanctioned for non-participation in WorkFirst activity may be disqualified from Basic Food under the **Work Registration rules**. Do not exempt them from Work Registration as pregnancy is not an exemption.

Waived Areas

ABAWD clients living in waived areas are exempt from participation. See more about this in the [Moving Between Non-Waived and Waived Areas](#) section.

Discretionary Waiver Exemption Policy

NOTE: Do not use discretionary exemptions at this time due to the pandemic and the use of good cause.

Every Federal Fiscal Year the U.S. Department of Agriculture (USDA) award an amount of *discretionary waivers* to each state. The state has the authority to determine how the waivers can be used to exempt ABAWD clients from the time limit.

Washington State will use discretionary waivers to exempt mandatory ABAWDs:

- ~~1. In the following counties: Adams, Asotin, Columbia, Garfield, Lincoln, Pend Oreille, San Juan, Skamania and Whitman;~~
- ~~2. On Vashon Island;~~
- 3.1. In the address confidentiality program; and
- 4.2. Who would not receive timely notice due to LEP translations.

Consideration of Exceptions

ABAWD participation exceptions are reasons that an ABAWD client is not able to participate in work or work activities for 80 hours a month.

Pregnancy

Pregnancy is an exception to ABAWD participation. Once the client's due date is entered in the Expected Due Date field, the Work Registration page will automatically suggest the pregnancy exception.

Once the due date has passed, workers will be responsible for updating work registration status of those in the household.

Paid Family Medical Leave

Clients who receive PFML are considered temporary incapacitated whether it is for themselves or to care for a family member.

Veterans

Clients who receive partial disability as determined by Veteran's Affairs are eligible for an exception to ABAWD participation. The level of disability for this exception is 1% -99%. 100% and above is considered an exemption to work registration.

NOTE:

The following status' are *work registration exemptions*:

- Caretaker of a child under six or an incapacitated person
- L&I or other Worker's Compensation
- Private disability insurance benefits
- Veterans Disability Benefits (100%)
- *NEW* Participating in LEP Pathway or CLEVER programs through [the Office of Refugee and Immigration Assistance](#)

Worker Responsibilities- WAC 388-444-0035

We determine who is exempt from ABAWD work requirements by reviewing the client's circumstances.

Priority of exemptions:

- If more than one exemption can apply, we use the exemption that last the longest.
- Only if no other exemption applies, do we exempt clients for living in a waived area.

If the ABAWD does not have a personal exemption, they may be eligible for one of the approved exemption slots under the U.S. Department of Agriculture (USDA) [discretionary waiver exemption](#) rule as determined by Community Services Division, Food Programs and Policy.

~~Discretionary Waiver Exemption Policy - Worker Responsibilities~~

~~While working an ABAWD case, staff must determine if the client meets the requirements for a discretionary waiver. If so, staff follow the instructions in the CSD Procedure Handbook to refer the client to the Workfare Unit for further assistance.~~

~~Examples include:~~

- ~~• When the client moves to a discretionary waived area.~~
- ~~• Translations requests when it's obvious that advance and adequate notice cannot be met~~
- ~~• When translations exceed the expected time for return and advance and adequate notice cannot be met~~
- ~~• Client no longer meets the discretionary waiver exemption criteria.~~

Unable To Work

Not able to Work 80 Hours a Month.

Unable to work means that the client is physically or mentally not able to work at least 80 hours a month as required by ABAWD rules

If a client states they are unable to work and there isn't a reason to question the claim, document that the client is "*exempt from ABAWD participation due to not being able to work*" and use the appropriate coding on the work screen for this.

Staff should use prudent person and their observations when determining if the client's statement about their ability to work is questionable. Staff must document their decision.

Questions Workers Might Ask:

What kind of work do you usually do? Are you able to do that work right now?

When was the last time you worked?

What barriers prevent you from working?

NOTE:

Homelessness alone is not eligible for the Temporary Incapacity exception. Clients must have additional mental or physical barriers in order to be exempt. ~~We refer all ABAWD clients to ABAWD Navigators to help them find resources to overcome barriers to employment.~~

Questionable

If the client's statement is questionable, attempt to get a collateral contact from someone aware of the person's circumstances/condition. If you cannot make this contact by telephone, you can advise the client to get collateral contact from a reliable source and provide DSHS 14-541 (<https://www.dshs.wa.gov/office-of-the-secretary/forms>).

NOTE:

We **cannot** require a particular type or form of verification. See [WAC 388-490-0005](#).

Collateral contact can come from:

1. A medical professional: nurse, doctor, psychologist, psychiatrist, etc.;
2. Drug or alcohol treatment professional; or
3. *Any reliable medical source* that is familiar with the circumstances that make the client unable to work twenty hours a week.

Collateral contact must include:

- Information the client's ability to work 80 hours a month (or 20 hours a week).

- Estimated time period the client will be prevented from working 80 hours a month.
 - We review temporary incapacity exemptions at mid-certification review, recertification, or when the client reports a change in their ability to work.

NOTE:

Documentation may be signed or stated by any of the following: physician, physician's assistant, designated representative of the physician's office, nurse practitioner, osteopath, licensed or certified psychologist, drug and alcohol abuse counselor, certified mental health counselor, licensed independent clinical social worker, licensed certified social worker, or certified midwife. For the purposes of verifying an individual's participation in a rehab or counseling program (Section 2), the director of the program or the individual's counselor may also sign this statement.

NOTE:

A person's inability to work does not have to be for a specific duration of time to meet the exemption. If their inability to work exceeds their current certification, then staff will ask about the client's ability to work during their next re-certification.

Clients that are ineligible due to having used their three non-qualifying months are not eligible based on an unverified questionable exemption claim, even if the client is expedited.

Aged, Blind, Disabled (ABD)/ Housing Essential Needs (HEN)

NOTE:

For the purposes of documenting ABAWD personal exemptions in the system "Temporarily Incapacitated" or the "TI" coding is equal to "unable to work." This **is not the same** as ABD or HEN definitions of incapacity determined by social workers. Eligibility staff are able to use prudent person to determine if a client is unable to sustain work given their circumstances.

1. The client is exempt from ABAWD requirements pending a ABD/HEN determination.
 - a. If the client is denied ABD/HEN:
 - Review the reason for denial. Even though the client is not eligible for ABD/HEN, **they may qualify for the ABAWD temporary incapacity exception if they are unable to work 80 hours a month.**
 - The client is required to participate in work requirements if they are not eligible for an exception.
 - i. If non-qualifying months remain:
 - A. Send a notice to the client giving 10 days advanced notice that they must participate
 - B. Participation is required the first of the month following the end of the 10 day advanced notice

- ii. If no non-qualifying months remain:
 - Send a notice to the client to terminate Basic Food for reason, “Failed ABAWD Requirement” effective the end of the month after 10 day Advanced Notice.
 - b. If the client is approved ABD/HEN.
 - For ABD the client is exempt from work registration for reason "federally/state determined disabled"
 - For HEN the client is exempt from work registration for reason "unable to work".
2. ABAWD clients receive [DSHS 11-034b](#) *Basic Food Eligibility Requirements: What You Need to Know* with their approval documents.

EXAMPLE:

On March 14th, a worker reviews John’s denial for ABD/HEN and determines that he is an ABAWD who doesn’t qualify for the "federally/state determined disabled" exemption. The worker will review the case to see if there is enough evidence in the case for John to qualify for a temporary incapacity based on being unable to work. If there is not reasonable documentation to support the unable to work claim, the worker sends John a letter on March 15th to inform him that he must meet ABAWD work requirements to remain eligible for Basic Food or provide further medical collateral contact. Since the letter provides at least 10 days’ notice before the beginning of the next full month, the letter should include text that he must start meeting the work requirements on April 1st. ~~Follow the ABAWD Navigator referral process.~~

EXAMPLE:

On September 10, a worker reviews Amed’s denial for ABD/HEN due to “No medical evidence from an acceptable medical source”. The worker will review the case to see if there is enough evidence in the case for Amed to qualify for a temporary incapacity based on being unable to work. Amed has past medical evidence and documentation in the case to support his statement that he is unable to work 80 hours a month. The worker will code Amed’s Work Registration Page as temporarily incapacitated.

Clarifying Information - [WAC 388-444-0040](#)

NOTE:

Due to the pandemic and use of good cause, no Workfare sites are available at this time.

Workfare is unpaid work performed by an ABAWD for a public or private non-profit organization. Workfare is available to non-exempt ABAWDs in non-waived areas **only**. Workfare isn’t available to non-ABAWDs.

1. **Volunteer work in the community** - ABAWDS can meet their work requirement by completing volunteer hours at a non-profit or public agency.

- a. ABAWD clients must participate based on the household's food benefit allotment divided by the state or local minimum wage (rounded down):

The state minimum wage is ~~\$13.6950~~ an hour effective January 1, 2021~~0~~.

Labor and Industries lists local wages at www.lni.wa.gov/workers-rights/wages/minimum-wage/

NOTE:

For city of Seattle residents we use the amount for a 501+ employer who provides insurance.

EXAMPLE:

Pheng is an ABAWD who receives \$115 in Basic Food benefits each month. She lives in SeaTac. The minimum wage is \$16.~~5709~~/hour. $115 \div 16.\del{5709} = 7.146.94$ hours Pheng must volunteer for ~~67~~ hours (rounded down) of workfare per month.

1. An ABAWD may volunteer at any non-profit agency that agrees to provide Workfare opportunities for ABAWDs to meet their work requirements. The non-profit must have a current DSHS Workfare Contract.
2. Clients must receive a referral from DSHS to that site before their hours will begin to “count” toward participation.
 - a. Clients can contact us to receive a referral to a workfare site. ~~or~~
 - ~~b. Clients can decide to do workfare during their interactions with an ABAWD Navigator who will notify DSHS for the referral.~~
- ~~3. Clients report their monthly hours by returning a completed ABAWD Activity Report (DSHS Form 01-205) to DSHS to verify their participation.
The form can be turned into DSHS in the following ways:
Fax 1-888-334-7410;
Drop off at the CSO; or
Mail it to:
DSHS CSD Customer Service Center
PO Box 11699
Tacoma, WA 98411-6699~~

Becoming a workfare site:

~~Due to the pandemic, we are not accepting new workfare sites.~~

~~If you are a non-profit agency interested in becoming a Workfare site please inquire with ABAWD@dshs.wa.gov.~~

~~Workfare agencies agree to verify that the ABAWD has met their hourly requirement. Upon verification, we will not count a month against the three-month limit. The Workfare agencies also agree to notify DSHS when a participant is no longer meeting the required hours.~~

~~Worker Responsibilities — WAC 388-444-0040~~

~~communication about Workfare to the Workfare Unit who match clients up with appropriate Workfare agencies for their abilities and needs. Staff follow the referral instructions in the CSD Procedures Handbook.~~

~~When determining the amount of hours a client must complete when requalifying, use the calculated prorated amount.~~

~~EXAMPLE:~~

~~Dominique lost benefits due to not participating. Dominique applied on July 10th and would like to volunteer at a Workfare site to meet requalification. The anticipated prorated benefit amount is \$100. She lives in an area using the current state minimum wage, \$13.6950/hr. $100 \div 13.6950 = 7.34$ hours. Dominique must volunteer for 7 hours (rounded down) of workfare in order to qualify for benefits back to her application date.~~

Clarifying Information - [WAC 388-444-0045](#)

Ineligibility Due to Failure to Meet ABAWD Requirements

If a client exhausts the 3-out-of-36 months eligibility limit, we must terminate the person's Basic Food benefits as soon as we become aware of this information. We must also deny this person Basic Food at application or recertification if they do not have a personal exemption and they do not live in a waived area, unless they have requalified under [Regaining Eligibility](#)

Note: Clients that are ineligible due to having reached the three month time limit are not eligible until they have requalified, even if the client meets expedited criteria.

If a client is terminated for non-participation, the person is an ineligible household member. We include this person's income in the Basic Food Assistance Unit as described under [WAC 388-450-0140](#) *How does the income of an ineligible assistance unit member affect my eligibility and benefits for food assistance?*

Regaining Eligibility

UPDATE: 4/3/2020 Due to the Family's First Coronavirus Response Act, any ABAWD client applying after 3/18/2020 do not need to meet requalification rules in order to qualify for Basic Food. They can be eligible as long as the household meets the other Basic Food eligibility factors.

There are no limits to the number of times a client can regain eligibility.

An ABAWD may regain eligibility by working and/or participating in approved training a total of 80 hours within a 30 consecutive day period:

The 30 day period may:

- Be any consecutive 30 day period in which the client completed 80 hours of work or work like activities; and
- End as late as 30 days after the date of application.

However, all 80 hours must be within 30 consecutive days.

1. If an applicant applies having met the 80 hours within the 30 consecutive days prior to date of application, and meets all other eligibility factors, the client is eligible effective the date of application.
2. If an applicant applies before meeting the full 80 hours, they are ineligible.
 - a. Deny the application.
 - b. When the client verifies that the full 80 hours was met, within a 30 consecutive day period ending no later than 30 days after date of application rescreen the application using the requalifying date as the date of application.
 - c. If a client does not provide verification by the 30th day after the application, they will need to provide a new application.

Example:

Jerry failed to meet ABAWD requirements for January, February and March 20~~22~~¹⁹ and his food benefits terminated 03/31/20~~22~~¹⁹. Jerry started working 10/01/20~~22~~¹⁹ and stopped working 12/31/20~~22~~¹⁹. He reapplied for food benefits on 04/01/20~~23~~²⁰. The worker verified that he worked 80 hours between 10/01/20~~22~~¹⁹-10/30/20~~22~~¹⁹. The worker determined that Jerry requalified for food benefits as of 04/01/20~~23~~²⁰. However, since Jerry is not working or meeting ABAWD requirements ongoing, he will begin to use his subsequent months starting 05/01/~~2023~~²⁰²⁰.

NOTE:

Ask open-ended questions to help determine if a previously terminated ABAWD has requalified, (met the 80 hours within a 30-day period) such as:

- Have you worked or been in training since [the last date of termination]?

If yes:

- Do you think it was at least 80 hours within a 30-day period?
- Approximately what dates?
- Where did you complete this work or training? Do you have their contact information?

Use these answers to try and help the client verify they have met requalification requirements.

Eligibility for a Second 3-month period for ABAWDs WAC 388-444-0045(1) & (3).

There are two three-month periods an ABAWD can receive Basic Food benefits without participation.

1. The first set are the *initial non-qualifying months*.
 - A non-qualifying month refers to any month an ABAWD receives Basic Food benefits for the full benefit month while not:
 - Exempt from the 3-month time limit;
 - Fulfilling ABAWD work requirements;

- Covered by a waiver of the ABAWD time limit; and
 - Exempted for the month using one of the State's ~~15 percent~~ discretionary exemptions
 - These months do not need to be consecutive.
2. The second set of months are the *subsequent months*.
- These months are only able to be used by an ABAWD who has used their initial non-qualifying months, has regained eligibility, and active on Basic Food.
 - They start the month the client stops participating.
 - The client receives three full consecutive benefit months regardless of participation status.
 - If the client is not participating in an activity or exempt by the end of the third month, the benefits will terminate.

The ABAWD cannot begin the subsequent 3-month period if they are disqualified for a reason other than ABAWD non-participation (such as a job quit). The client must regain eligibility in order to receive the subsequent months.

After Subsequent Months are used:

1. Client is participating at the end of the Subsequent Months.
 - a. Client is eligible for Basic Food as long as they participate and meet other Basic Food rules.
 - i. Clients must provide proof monthly if they are using workfare, employment and training, or volunteering to meet participation.
 - b. Client is **not** participating at the end of the Subsequent Months
 - i. Client must reapply and meet eligibility factors. ([Regaining Eligibility](#))

NOTE:

The department cannot consider the eligibility of an ABAWD client who has used the initial and subsequent months and does not regain eligibility by participating or becoming exempt until the next 36-month period.

Worker Responsibilities - [WAC 388-444-0045](#)

Monitoring Participation information found in [Worker Responsibilities-WAC 388-444-0030](#).

Adding an Ineligible ABAWD back into the Household

If an ABAWD client regains eligibility by meeting requirements in the Regaining Eligibility section, food benefits begin for this client effective the date:

- The application date; or
- The date the hourly requirement is met, whichever is later.

NOTE: Benefits must be prorated based on this date.

See more about how to add a client back onto a household in the [Change of Circumstances: Effective Date Chapter](#).

Administrative Hearings

If an ABAWD requests an administrative hearing:

1. The client's three-month clock is paused by removing the 3rd non-qualifying month and benefits will continue until there is a hearing decision.
 2. If the Department is upheld, the original 3rd non-qualifying month is counted and the case will close establishing an overpayment; or
 3. If the client is upheld, benefits received are retained and we will review ABAWD participation status for the on-going month.
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ACES Procedures

See [Basic Food Assistance - Able Bodied Adults Without Dependents \(ABAWD\)](#)