

Department of Social and Health Services
Community Services Division
EA-Z Manual

Revision: 1158

Category: Able Bodied Adults without Dependents

Issued: June 8, 2021

Revision Author: Corinna Adams

Division: CSD

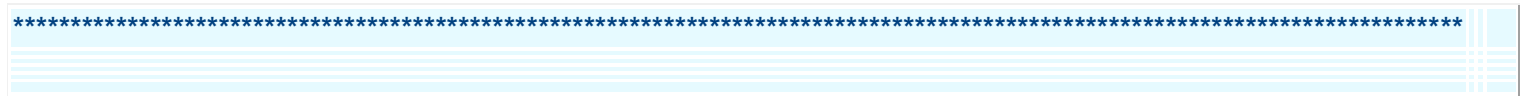
Mail Stop 45440

Phone 360-789-9583

Email: corinna.adams@dshs.wa.gov

Summary

Revised chapter due to statewide ABAWD waiver.



June ~~xx08~~, 2021

-

Purpose:

[WAC 388-444-0030](#) What additional work requirements and time limits is an able-bodied adult without dependents (ABAWD) subject to in order to be eligible for Basic Food?

- [Clarifying Information and Worker Responsibilities](#)

[WAC 388-444-0035](#) Who is exempt from ABAWD time limits and minimum work requirements?

- [Clarifying Information and Worker Responsibilities](#)

[WAC 388-444-0040](#) Can I volunteer for an unpaid work program in order to meet the work requirements under WAC 388-444-0030?

- [Clarifying Information and Worker Responsibility](#)

[WAC 388-444-0045](#) How does an ABAWD regain eligibility for Basic Food after being closed for the three-month limit?

- [Clarifying Information and Worker Responsibilities](#)

[Administrative Hearing Procedures](#)

Clarifying Information - [WAC 388-444-0030](#)

ALERT: Effective June 08, 2021, Washington State has been approved for a statewide waiver from work requirements for ABAWDs.

Countable Months

A *countable month* or *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 12 percent exemption.

A client must participate in a qualifying program for a full month. Otherwise, the month will count as a non-participation month. A client who does not participate for three months will become ineligible for Basic Food

36-Month Period

The current 36-month time limit period began January 1, 2021 and ends December 31, 2023. Another 36-month period will begin January 1, 2024.

NOTE:

ABAWDs and households that contain ABAWDs receive a certification period as described under [WAC 388-416-0005](#), but they cannot receive more than three full months of benefits without meeting the ABAWD work requirements.

Moving Between Non-Waived and Waived Areas

See current waived and non-waived areas on the [Able Bodied Adults without Dependents public page](#).

A waived area:	A non-waived area:
<ul style="list-style-type: none">• Exempt from ABAWD work	<ul style="list-style-type: none">• Must meet ABAWD work requirements to

A waived area:	A non-waived area:
requirement time limit.	stay eligible for Basic Food.

1. An ABAWD becomes exempt from ABAWD work requirements when they move to a waived area effective the month they report the move to the Department.
2. An ABAWD must meet ABAWD work requirements or have a personal exemption if they move from a waived to a non-waived area during the 36-month period. **Participation requirements apply in the first full month of benefits after the information is known to the Department.**
3. If a client has previously used countable months during the same 36-month period, those months of non-participation, still count toward the three-month limit.

NOTE:

Moving between waived and non-waived areas does not reset the 3-out-of-36 month clock.

1. If an ABAWD loses eligibility for Basic Food due to the three-month limit and later moves to a waived area, they are eligible to receive Basic Food while living in any waived area.

EXAMPLE:

Jolene is an ABAWD who was living in a waived area. She reported the move to a non-waived area September tenth. Her participation requirements begin October first. If she does not meet participation requirements in the month of October she will either use a non-qualifying month, or if she does not have non-qualifying months available her case will be terminated.

State Funded Food Assistance Program (FAP) Clients

FAP follows the same rules as federally funded food assistance except for citizenship requirements ([WAC 388-400-0050 #2](#)). To maintain eligibility, FAP recipients who meet the definition of ABAWD in– non-waived are required to:

1. Work;
2. Participate in an approved employment and training program;
3. Volunteer (unpaid work);
4. Participate in workfare; or
5. Qualify for a personal exemption.

NOTE:

FAP clients are not eligible for BFET. See the [list of other state approved](#) employment and training activities.

Activities to Meet Participation

Effective June xx, 2021, Washington State has been approved for a state wide waiver from work requirements for ABAWDs

While Washington is approved for a statewide wavier at this time, employment and/or training opportunities are a great resource for ABAWDs to improve their economic situation. Referrals to employment and training programs can assist ABAWDs to meet their needs without the concerns of meeting work requirements. Referrals are made through Barcode to BFET or Employment Pipeline for services. For more about BFET see www.dshs.wa.gov/bfet.

Worker Responsibilities - [WAC 388-444-0030](#)

NOTE:

While Washington State qualifies for a statewide waiver, correctly coding the work screen to reflect the adult(s) work registration status is still required.

Identifying an ABAWD

Staff must check Work Registration and ABAWD status at application, eligibility review, and when there is a change in the Assistant Unit impacting the status of a household member.

This includes but is not limited to:

- Residential address change (waived vs non-waived areas);
- Age;
- Children entering or exiting the AU;
- Pregnancy;
- Student Status;
- Disability or incapacity;
- Change in employment hours, pay rate or status;
- Change in immigration status; or
- Change in program participation.

Out of State Countable Months

Staff must verify any non-qualifying months received when there is evidence the ABAWD received food benefits in another state. Staff update clients' Work Registration Details page if the client did not participate during Washington's current 36-month period.

The current 36-month time limit period began January 1, 2021 and ends December 31, 2023. Another 36-month period will begin January 1, 2024.

A written or verbal statement from the other state agency of countable months is acceptable proof. **Check for out of state countable months at application even if the client is moving to a waived area in Washington.**

- Verify with each state the number of months the ABAWD has received benefits without participating in work requirements; and
- Input the non-qualifying months the other state reported after 1/1/2021. Document the information.
- Expedited cases can be approved with postponed verification for out of state verification.

NOTE:

We count months accumulated in another state even if we would have considered the client exempt in Washington State.

EXAMPLE:

Joe is an ABAWD who moved to a waived area in Washington State from Idaho where he previously received benefits. He is applying for benefits in Washington. The worker verifies Joe accrued two countable months in Idaho, as he did not participate while living in a non-waived area.

The worker records Joe's two countable months in Idaho on the Work Registration Details page despite Joe moving to a waived area in Washington.

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: While Washington State is approved for a statewide waiver from work requirements for ABAWDs we will not be using discretionary waivers.

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 address confidentiality program; and
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%)
- 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.

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. .

Questionable

If the client's statement is questionable, code the client EA AB and document actions.

NOTE:

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

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.

The client is exempt from ABAWD requirements pending an 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.**
 - If no other exemption applies, code the client EA AB.
- 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".

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 will code John's Work Registration Page as exempt area.

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: [While Washington State is approved for a statewide waiver from work requirements for ABAWDs](#) Workfare sites are [not](#) 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 \$13.69 an hour effective January 1, 2021.

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.

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 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](#)

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

Washington State was approved for a waiver effective June 01, 2021, ABAWDs are not required to meet regaining eligibility requirements if waived from work requirements. 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.

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

ABAWDs are not required to meet regaining eligibility requirements if waived from work requirements. They can be eligible as long as the household meets the other Basic Food eligibility factors.

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 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.

[Washington State is approved for a waiver of ABAWD work requirements, so only months that should be coded at this time would be months used out of State.](#)

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.