

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
BISMARCK, NORTH DAKOTA
July 14, 2016**

IM 5280

TO: County Social Service Directors
Economic Assistance Policy Regional Representatives
Economic Assistance Policy Quality Control Reviewers

FROM: Carol Cartledge, Director, Economic Assistance

SUBJECT: ABAWD – Loss of Exempt Status

PROGRAMS: Supplemental Nutrition Assistance Program (SNAP)

EFFECTIVE: Immediately

RETENTION: Until superseded

**SECTIONS
AFFECTED:** **430-05-40-50-05 – Exemptions from Work Requirements**
430-05-40-50-07 – Loss of Exempt Status
430-05-67-15-10 - Changes Resulting in a Decrease in Benefits

The following change in policy is effective immediately and is based on federal guidance relating to the exemption from the work requirements for Able Bodied Adult without Dependents (ABAWD).

If at application or review, an ABAWD exemption will end during the review period and it is known to the county or the household reports the loss of the exemption to the county even if they are not required to report; the individual becomes subject to the ABAWD work requirements and time limit of benefits unless they are fulfilling the ABAWD work requirements or are otherwise exempt.

Exemptions from Work Requirements 430-05-40-50-05

An ABAWD who meets one of the following is exempt from the ABAWD provisions and not subject to limited benefits. Exemption criteria is determined prospectively, (TECS codes on the ABRE screen are listed.)

Verification of work hours is mandatory for items 5, 6 and 7.

1. Exempt from the SNAP work requirements. (EX)

ABAWDS exempt from ABAWD provisions based on the SNAP work requirement exemption for working 30 hours or more per week are also coded (EX).

2. All adult household members are exempt any time there is a child under the age of 18 in the same SNAP household. (EX)

Example:

A five-person SNAP household consists of mom, dad, child under the age of 18, an aunt to the child, and an unrelated adult. All four adults are exempt.

3. State 15% exemption criteria. (SP)

4. A pregnant woman. Client statement is acceptable. (PG)

5. Working at least 20 hours per week averaged monthly (regardless of the hourly wage) but less than 30 hours or more per week. This includes volunteer and in-kind work where an individual is not paid. (HR)

Volunteer work is when arrangements have been made with a school, hospital, public service agency, library, nursing home, church or other community organizations.

In-kind work is when an individual works in exchange for goods or services.

Example:

An individual managing an apartment building in exchange for free or reduced rent.

This **does not include** court ordered community services or work done for family members or friends when the individual is not paid.

6. Participating in (and complying with) a work program of 20 hours or more per week averaged monthly. Work program means:

- a. A program under the Workforce Investment Act of 1998 (WIA), this is administered by Job Services and can be verified by contacting that office. This includes the WIA administered by the Tribes as long as it meets the 20 hour or more per week averaged monthly requirement. (JT)
- b. A program under Section 236 of the Trade Act of 1974 (Trade Adjustment Assistance Act Program). This is administered by Job Services and can be verified by contacting that office. (TA)

The BEST Program does not meet this definition of either of these programs.

7. Any combination of paid, volunteer, in-kind work or work programs that equals 20 hours per week averaged monthly.

An ABAWD exempt from the ABAWD provisions for working an average of 20 hours or more per week is **required** to report if their hours fall below 20 hours per week. This includes ABAWDS exempt from the SNAP work requirement for working 30 hours or more per week.

If an individual is exempt from the ABAWD provisions at initial application or review the individual remains exempt from the ABAWD provisions until the next review.

Exceptions:

1. **Individuals exempt due to working 20 hours or more per week averaged monthly who report their work hours have fallen below 20 hours.**
2. **When the household reports a loss of an exemption for an individual determined to be exempt at application or review.**
3. **An individual will lose exempt status during the review period and it is known to the agency.**

An individual exempt from the ABAWD provisions at initial application or review is required to work register if the following occurs:

1. They are ~~The household reports they are~~ no longer ~~and is exempt for~~ working 20 ~~hours~~ or more hours per week averaged monthly but less than 30 hours per week.
2. A loss of an exemption is reported, even if the household is not required to report.
3. It is known to the agency the exemption will end.

Loss of Exempt Status 430-05-40-50-07

ABAWDS working 20 hours or more per week

When an individual is identified as an ABAWD and the individual's eligibility is based on working 20 hours or more per week averaged monthly, the household must report if the ABAWD's hours decrease below 20 hours weekly.

When an individual is exempt from the ABAWD provisions at initial application or review for working 20 hours or more per week averaged monthly, but less than 30 hours per week, the individual must be work registered.

If during the review period, the household reports the individual's work hours have fallen below 20 hours per week, because this is a mandatory reportable change, the F419 – Request for Verification – Simplified Reporting, must be sent to determine if the individual is exempt for another reason. If the household does not respond within 10-days or responds and reports the individual is not exempt for another reason, the ABAWD provisions apply and the individual is coded NE or EE on the ABRE screen. If the individual has used all of their NE and EE months, they are ineligible and their participation code must be changed to DI on SSDO.

When an individual is exempt from the ABAWD provisions at initial application or review for working 30 hours or more per week, the individual is also exempt from the work requirements.

If during the review period, the household reports the ABAWD's work hours have fallen below 20 hours per week, because this is a mandatory reportable change, the F419 – Request for Verification – Simplified

Reporting, must be sent to determine if the individual is exempt for another reason, along with the SFN 385 or SFN 353. If the individual does not respond within 10-days or responds and is not exempt for another reason, the ABAWD provisions apply and the individual is coded NE or EE on the ABRE screen. If the individual has used all of their NE and EE months, they are ineligible and their participation code must be changed to DI on SSDO.

If the household responds and indicated the ABAWD is exempt from the ABAWD provisions, but not exempt from the work requirements and does not return the SFN 385 or SFN 353, their participation code must be changed to DW and a 10-day advance notice (F432 or F730) must be sent stating that the individual is ineligible and that ineligibility can be avoided by returning the form.

Exemptions known to the agency

When an individual is identified as exempt from the ABAWD work requirements at the time of application or review and it is known to the agency the exemption will end sometime during the review period, the household becomes subject to the ABAWD work requirements and time limit of benefits unless they are fulfilling the ABAWD work requirements or are otherwise exempt.

The county should advise the household at the time of application or review they will become subject to the ABAWD time limit, at which point during the review period each household member's eligibility for SNAP will be limited to three months if they are not fulfilling the ABAWD work requirements or are otherwise exempt. The county should also inform the household they should report if a household member starts fulfilling the ABAWD work requirement or a change that would exempt them from the time limits. It is the responsibility of the household to report the change.

Once the known exemption ends, the F419 – Request for Verification – Simplified Reporting, must be sent to the household to determine if the individual is exempt for another reason, along with the SFN 385 - Affidavit for SNAP Work Requirements or SFN 353- Affidavit for SNAP BEST Registrants - if required. If the household does not respond within 10-days or responds and is not exempt for another reason, the ABAWD provisions apply and the individual who is no longer exempt is coded NE or EE on the ABRE screen. If the individual has used all of their NE and EE months, they are ineligible and their participation code must be changed to DI on SSDO.

If the household responds and indicates they are exempt from the ABAWD provisions, but not exempt from the work requirements and does not return the SFN 385 Affidavit for SNAP Work Requirements - or SFN 353-Affidavit for SNAP BEST Registrants, their participation code must be changed to DW and a 10-day advance notice (F432-Work Registration Non-Compliance or F730-Decrease in Benefits for Work Requirements) must be sent stating that the individual is ineligible and that ineligibility can be avoided by returning the form.

Example:

A household consisting of a mother age 40 and her son age 17 complete a review in April and remain eligible. During the review process the SFN 385-Affidavit for SNAP Work Requirements is signed and the eligibility worker explains the ABAWD exemptions and when the exemption will end since the son will be turning 18 on June 2nd.

On June 3, the F419-Request for Information – Simplified Reporting is sent to the household to determine if another ABAWD exemption exists. The household does not respond. Both household members would become subject to the ABAWD time limit for July and their code on the ABRE screen must be changed to NE for July.

In August, the mother reports she has started a job working 30 or more hours per week and provides verification of the new employment. The mothers code on ABRE is changed to EX and the income is acted on at the next review.

Households reporting loss of an exemption

When an individual is exempt from the ABAWD provisions at initial application or review and reports the loss of the exemption, the household becomes subject to the ABAWD work requirements and time limit of benefits unless they are fulfilling the ABAWD work requirements or are otherwise exempt.

If the household reports the loss of an ABAWD exemption, the F419 – Request for Verification – Simplified Reporting, must be sent to the household to determine if the individual is exempt for another reason, along with the SFN 385 - Affidavit for SNAP Work Requirements or SFN 353-Affidavit for SNAP BEST Registrants - if required. If the household does not

respond within 10-days or responds and is not exempt for another reason, the ABAWD provisions apply and the individual who is no longer exempt is coded NE or EE on the ABRE screen. If the individual has used all of their NE and EE months, they are ineligible and their participation code must be changed to DI on SSDO.

If the household responds and indicates they are exempt from the ABAWD provisions, but not exempt from the work requirements and does not return the SFN 385 Affidavit for SNAP Work Requirements - or SFN 353-Affidavit for SNAP BEST Registrants, their participation code must be changed to DW and a 10-day advance notice (F432-Work Registration Non-Compliance or F730-Decrease in Benefits for Work Requirements) must be sent stating that the individual is ineligible and that ineligibility can be avoided by returning the form.

Changes Resulting in a Decrease in Benefits 430-05-67-15-10

A worker must not act on changes that will result in a decrease in benefits, unless the change meets the following criteria:

7. Household reports a change that brings an ABAWD's hours below 20 hours weekly averaged monthly. Advance Notice is required.
8. An ABAWD exemption ends and it is known to the agency. Advance notice is required.
9. Household reports the loss of an ABAWD exemption. Advance Notice is required.