

Department of Social and Health Services

Community Services Division

EA-Z Manual

Revision: # 1151

Category: **Able Bodied Adults without Dependents (ABAWD)**

Issued: April 14, 2021

Revision Author: Corinna Adams

Division CSD

Mail Stop 45440

Phone 360-789-9583

Email corinna.adams@dshs.wa.gov

Summary

Revised to remove ABAWD Navigator program, and workfare program. Corrected some other errors.

.....

ABAWDs- Able-Bodied Adults Without Dependents

~~August 13, 2020~~ April 14, 2021

***ALERT:** Effective March 16, 2020, due to the COVID-19 outbreak, mandatory ABAWDs are granted Good Cause for non-participation.*

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](#)

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 [125](#) percent exemption.

A client must participate in a qualifying program for a full month. Otherwise, ~~that~~ [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~~[2018](#) and ends December 31, ~~2023~~[2020](#). Another 36-month period will begin January 1, ~~2024~~[2021](#).

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

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

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

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 ~~that~~[who](#) meet the definition of ABAWD in non-exempt areas 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

Employment or Work:

Work means providing a paid service to an employer or self-employment.

- This also includes in-kind work and rental income, based on the actual number of hours the client works.
- The wage offered by an employer should not be less than the state minimum wage or in-kind goods or service of equal value.
- Self-employed persons must work 20 hours or more per week (averaged monthly or 80 hours per month) to meet the ABAWD work requirement using the federal minimum wage. Annual hours cannot be averaged for ABAWD participation.
- ABAWDs must work at least 80 hours per month to avoid gaining countable months.

State approved Employment and Training programs for ABAWD Participation

There are a number of programs that ABAWDs can participate in to meet work requirements.

- **Basic Food Employment and Training (BFET)** – This is a statewide program managed by DSHS, community based organizations and colleges that provide training, retraining, job search and other supplemental support services to Basic Food recipients. This is not available to FAP clients.
- Programs included with the Workforce ~~Investment~~ Innovation and Opportunity Act (WIOA)
 - Employment and Training programs through statewide [WorkSource offices](#);
 - Some [community and technical college programs](#); and
 - Some other community partners participating under WIOA.
- Programs included under Section 236 of the [Trade Act of 1974 \(Reestablished in 2015\)](#)
- Washington Service Corps/AMERICORPS;
- NAFTA Transitional Adjustment Assistance Programs;
- [Seattle Jobs Initiatives \(SJI\)](#);
- [And others as they are approved](#)

ABAWD Participation in BFET

Participating in Basic Food Employment and Training (BFET) in a non-waived area can be used to meet work requirements for ABAWDs as an approved Employment and Training Program.

Enrolling in BFET before Basic Food Closes due to the three-month limit:

If an ABAWD client enrolls in BFET before the end of their 3rd month of non-participation in work requirements, the participant will qualify for an exemption until they are ready to participate enough hours that their participation meets the 20-hour work requirement.

Attempt to Enroll in BFET AFTER Basic Food Closes due to the three-month limit: Only clients who are receiving Basic Food can participate in BFET. Therefore, a client cannot use BFET to requalify for Basic Food.

In order to requalify for Basic Food and be eligible for BFET, the client must ~~requalify/regain eligibility within 30 days of application by:~~

- ~~1. Working for 80 hours; or~~
- ~~2. Participating for 80 hours in another approved employment or training activity; or~~
- ~~3. Completing the number of required Workfare volunteer hours.~~

Once the client has been approved for Basic Food, they may engage in employment and training in BFET.

Job Search Services for ABAWDs:

Job search hours are only countable for less than half of the total time a client is engaged in employment and training activities*.

For example, if a client is participating in BFET twenty hours a week, then only up to nine hours of Job Search or Job Search Training counts as “participation” for ABAWD requirements. The other eleven must be in one of the other activities: Basic Education, Vocational Education, or Life Skills.

If clients are unable to meet the hourly requirement in BFET, they may still participate in Workfare to meet participation. More details are in the [Combining Work and/or Training to meet requirements](#) section.

*Job Search and Job Search Training activities done under the supervision of a **Title 1** WIOA program, do count in their entirety toward the 80 hours of participation. Some BFET providers are WIOA partners, but not all.

Under Title 1 WIOA Program (non-college)	Non- Title 1 WIOA Program (non-college)
Zachary is participating in the following activities: Job search training: 40 hours monthly Job search: 20 hours monthly Basic Education: 20 hours monthly	Zachary is participating in the following activities: Job search training: 40 hours monthly Job search: 20 hours monthly Basic Education: 20 hours monthly

Under <u>Title 1</u> WIOA Program (non-college)	Non- <u>Title 1</u> WIOA Program (non-college)
The total countable hours are 80. Zachary is meeting the work requirement.	<p>The total countable hours are: 59 hours (39 of the Job search Training, 0 of the Job search, and 20 hours of Basic Education).</p> <p>In order to meet participation requirements the client would have to complete an addition 21 hours of non-Job Search or non-Job Search Training activities, unpaid work, or work.</p> <p>Alternatively, the client could participate in Workfare for the required number of hours to meet the work activity independently from the E&T program.</p>

Participate in Unpaid Work

Unpaid work includes in kind work or unpaid as a volunteer at a State, local, religious, or community non-profit organization. An ABAWD must volunteer a total of 80 hours in a month.

Volunteering can also occur in other formats within the community. The following applies to unpaid work:

- Participation is optional in non-waived counties.
- Allows clients to work under supervision to gain valuable work experience and meet ABAWD work requirements.
- Cannot be counted if also used to meet court appointed or legal obligations.
- Can be combined with work and work programs to fulfill the 80 hour per month requirement.
- Cannot be combined with [Workfare](#) hours to meet work requirements, as Workfare is a stand-alone activity.
- ABAWDs can requalify for Basic Food Assistance using unpaid work hours. They must meet a total of 80 hours of work, or volunteer, or combination of the two within 30 days. Once verified, ABAWDs are eligible for benefits based on the date of verification or date of application.

Providing Proof of Participation

Mandatory ABAWD client's need to provide proof of their ABAWD work requirement participation to DSHS by the tenth of the month following participation for the following activities:

1. Employment and Training;

2. Unpaid work;
3. Work hours, if working less than 80 hours a month; and
4. Workfare

NOTE: If clients are meeting participation by working 80 hours a month, they are responsible to report if their hours drop below 20 hours a week. They are not required to submit work verification monthly.

We have created a form to assist clients in providing this proof: *ABAWD Activity Form #01-205*. (Available in our eight supported languages at <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:

- Workfare site supervisor
- Employment and Training case manager or advisor
- Volunteer site coordinator

Collateral contact must include:

- Client name identification
- Calendar month reporting
- Activities performed
- Number of hours in the month participating in activity
- Name and signature of the person verifying the information

ABAWD Navigators – Clarifying Information

~~The Able-Bodied Adult Without Dependents (ABAWD) Navigators help ABAWD clients connect to activities that matter and fulfill the work requirement for Basic Food eligibility. ABAWD Navigators serve clients in both waived and non-waived areas. ABAWD Navigators will boost relationships with community partners and increase resources to support ABAWD clients statewide.~~

Providers

~~ABAWD Navigators are located at all thirty-four community and technical colleges and at some WorkSource offices. DSHS staff refer ABAWD clients to navigators during the eligibility review process. Even if an ABAWD client lives in a waived area, we will offer navigating services.~~

Services

ABAWD Navigators

- ~~• Provide an intake that includes an assessment of client skills and goals;~~

- ~~Refer to local resources to assist client in meeting goals;~~
- ~~Refer to state approved community employment and training programs;~~
- ~~Assist clients in understanding the ABAWD work requirements and how to report participation to DSHS; and~~
- ~~Provide ongoing support for engagement.~~

-

NOTE:

~~**Assessments/Individual Employment Plan:** Client assessments are for the benefit of the client. DSHS will not collect a copy of the assessments. With client permission, ABAWD Navigators may share the assessment with agencies they are referring the client to for additional services.~~

-

~~DSHS staff code cases based on the proof received and may contact the source cited on the verification document for clarifying information. Staff may contact the Navigator agency if they are also monitoring participation.~~

-

NOTE:

~~**Referrals—**~~

~~All ABAWD Navigators will contact the agency they are referring the client to for a “warm hand-off.” It is the client’s responsibility to follow through with the referral.~~

-

~~For ABAWD Navigator Worker Responsibilities see below.~~

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

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.

When we identify a mandatory ABAWD (no other exemptions or exceptions), we code this in our system and provide the client with the generated letter. This letter will include an attachment: *Basic Food Eligibility Requirements: What You Need to Know* ([DSHS 11-034b](#)).

Mandatory ABAWD client's need to provide proof of their ABAWD work requirement participation to DSHS by the tenth of the month following participation.

We have created a form to assist clients in providing this proof: *ABAWD Activity Form #01-205*. (Available in our eight supported languages at <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](#).

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, ~~2018~~2021 and ends December 31, ~~2020~~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/~~2018~~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 regardless 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.

EXAMPLE:

Darren is an ABAWD who moved to a non-waived area in Washington State from Idaho where he previously received benefits. He is applying for benefits in Washington. He moved on the 5th of June. His participation requirements begin July 1st. If he does not meet participation requirements in the month of July he will either use a non-qualifying month, or if he does not have non-qualifying months available, an overpayment must be established.

ABAWD Navigators – Worker Responsibilities:**Whom do we refer?**

A client who is present or on the phone and is identified as an ABAWD and able to meet the 80-hour work requirements.

- Not currently participating in an approved activity
- Underemployed (not earning enough to be exempt from work registration)

NOTE:

Even if an ABAWD client lives in a waived area, we will offer navigating services.

When do you refer ABAWD Clients to Navigators?

At time of application, eligibility review or when their work registration status changes.

EXAMPLE:

We denied ABD and HEN for Josephina because the duration and severity of her medical condition does not meet the requirements. The worker will update Josephina's case with this information and review work registration status. If she does not meet an exemption or personal exception then the worker will explain ABAWD participation requirements and refer Josephina to a local area ABAWD Navigator.

EXAMPLE:

Blanche is an ABAWD who is working twenty hours per week, but earning less than minimum wage. She has career goals but is not sure where to start. The worker tells Blanche about the services available through the ABAWD Navigators and makes a referral to help her on her career path.

What can the client expect?

An ABAWD client can expect to receive a referral to a local area ABAWD Navigator. The ABAWD Navigator will provide the client information to meet the work requirements. They can expect an in-depth assessment to go over their skills, barriers, and career goals. ABAWD Navigators will refer ABAWD clients to employment and training opportunities that match their needs and career goals.

Clients can expect that if they do not contact the ABAWD Navigator within two weeks after referral, that the Navigator will contact them directly.

-

How to refer.

When staff identify an ABAWD during contact:-

- ~~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~~Document 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 ~~12~~16.69/ ~~hr~~hr..
\$100 ÷ ~~13~~16.69 = ~~50~~ 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.~~69~~⁵⁰ an hour effective January 1, 202~~1~~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.~~57~~⁰⁹/hour. $115 \div 16.~~57~~⁰⁹ = 7.146.94$ 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 05/01/20~~23~~²⁰.

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.
-

ACES Procedures

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