

Department of Social and Health Services

Olympia, Washington

EAZ Manual

Revision #930  
Category Basic Food Work Requirements- ABAWDs- Able-Bodied Adults without Dependents  
Issued May 12<sup>th</sup> 2016  
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Summary

Fixing permanent WAC link (updated), grammar, updates to the Workfare section, Reconciliation Chart and Worker Responsibilities including the Administrative Hearing section.

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Revised May 12th, 2016

**Purpose:**

**[WAC 388-444-0030](#) Do I have to work to be eligible for Basic Food benefits if I am an able-bodied adult without dependents (ABAWD)?**

- [Clarifying Information and Worker Responsibilities](#)

**[WAC 388-444-0035](#) Who is exempt from ABAWD work requirements?**

- [Clarifying Information and Worker Responsibilities](#)

Field Code Changed

**[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 Monitoring](#)

**[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](#)

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

### Countable Months

A *countable month* or *non-qualifying month* refers to any month in which an ABAWD receives Basic Food benefits for the full benefit month while not:

- Being exempt from the 3-month time limit
- Fulfilling ABAWD work requirements
- Being covered by a waiver of the ABAWD time limit
- Being exempted for the month using one of the State's 15 percent exemption

If a client enrolls into a qualifying program to participate, but does not reach the full participation for that month, then they will accrue a countable month against the three month time limit.

### 36-Month Period

The -current 36-month time limit period began January 1, 2015 and ends December 31, 2017. Another 36-month period will begin January 1, 2018. Even though the current 36-month period is in effect, we **do not** count any month before January 2016 against an ABAWD's three-month time limit.

#### **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.

### Children in the home

Field Code Changed

When an Assistance Unit (AU) includes a member that is under age 18, all adults in the AU are exempt from ABAWD participation and are not considered ABAWDs, regardless of their responsibility to care for the child. Sometimes the child may not be eligible, such as 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 will still be considered an ABAWD.

NOTE: If there is a child in the AU there are not any ABAWDs. However, this does not automatically exempt the adult(s) in the AU from work registration. The work screen should still be correctly coded to reflect the adult(s) work registration status.

### Temporary Assistance for Needy Families (TANF) Clients

TANF clients are not subject to ABAWD time limits because they have children or meet the pregnancy exemption. If a pregnant TANF client is the only person on the AU, they would **not** accrue ABAWD non-qualifying months even if they fail to cooperate with WorkFirst. They still may be disqualified from Basic Food under non-ABAWD work registration rules if they are sanctioned from TANF and not otherwise exempt from work registration.

### Moving Between Non-Waived and Waived Areas

An waived area:	A non-waived area:
<ul style="list-style-type: none"> <li>• Are <b>not required</b> to meet ABAWD work requirements while they live in an exempt area.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Must meet</b> ABAWD requirements to stay eligible for Basic Food.</li> </ul>

1. If an ABAWD moves to a waived area, the person becomes exempt from ABAWD work requirements.
2. If an ABAWD moves from a waived to a non-waived area during the 36-month period, they must meet ABAWD work requirements or have a personal exemption from ABAWD requirements. The three-month period starts with the first full month of benefits in this status.
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.
  - o Moving between waived and non-waived areas does not restart the 3-out-of-36 month clock.
  - o The months stop or start based on the exemption for the area where the person now lives.

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

### **Employment or Work:**

Work means providing a paid service to an employer.

- This also includes in-kind work and rental income, based on the actual number of hours the client works.
- The wage offered should not be less than the state minimum wage or in-kind goods or service of equal value.
- ABAWDs can work an average of 80 hours per month to avoid gaining countable months. For example the work could be 20 hours per week, or even 39 hours if the client is paid every other week (39 x 2.15).
- Self-employed persons must work 20 hours or more per week (averaged monthly or 80 hours per month) to meet the ABAWD work requirement. Annual hours cannot be averaged for ABAWD participation.

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

#### **Out of State Countable Months**

If there is evidence the ABAWD ~~received~~received food benefits in another state, verify any non-qualifying months received from that state. If the months accrued during Washington's current 36 month period update the clients Worker Registration Details screen.

A written or verbal statement from the other state agency of countable months is acceptable proof. This should be checked at application despite the client moving to a waived area in Washington.

- Verify with that state the number of months the ABAWD has received benefits without participating in work requirements; and
- Input the months that were accrued after 1/1/2016. Document the information.
- Expedited cases can be approved with postponed verification.

#### **NOTE:**

If the client was not exempt and had a countable month in another state, we count that month, even if the client would have been exempt had they been receiving the benefits in Washington state.

#### **EXAMPLE:**

Joe is a chronically homeless ABAWD that was receiving benefits in Idaho. ~~H~~, he is now applying for benefits in Washington. The worker verifies that Joe accrued two countable months in Idaho, as he lived in a non-exempt area and did not participate. Idaho does not explicitly exempt chronically homeless as Washington does.

The worker records Joe's two countable months in Idaho despite the difference in exemption policy.

Now that Joe lives in Washington state, he is coded exempt for the current and ongoing months as he is unable to work due to his living situation.

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

#### Consideration of Exemptions

ABAWD participation exemptions are ~~con~~dis~~er~~ed~~e~~considered as reasons that an ABAWD client is not able to participate in work or work activities for 80 hours a month.

#### Personal Exemptions

Personal exemptions apply in both exempt and non-exempt areas.

The priority for exemptions is:

1. Use any personal exemption the ABAWD may have. The personal exemptions include:
  - Caretaker of an incapacitated person;
  - Physically or Mentally unable to work;
  - Pregnancy;
1. If the ABAWD does not have a personal exemption, there may be one more exemption they can qualify for. This is the limited “15% additional exemption” and is currently reserved for clients who are participating less than 80 hours a month in the Resources for Initiating Successful Employment (RISE). A specialized unit will be responsible for identifying and documenting when a client receives this exemption.
2. If no exemption can be met and the client lives in an area waived by the USDA; use exempt area.

#### **NOTE:**

See [APPENDIX I](#) for a complete list of counties and other areas that are exempt from ABAWD requirements.

#### **Caretaker for a disabled adult**

Only the individual(s) with responsibility for a person determined to be incapacitated is exempt from the ABAWD provisions; not the entire household. The person being cared for does not have to reside in the same household.

### **Physically or Mentally Unfit for Employment**

This means that the client is physically or mentally unfit to work for at least twenty (20) hours per week to meet the ABAWD work requirements. This can include:

- Going through Drug/Alcohol Treatments
- Receiving L&I, Veterans, or private disability insurance
- Chronic homelessness

### **Worker Responsibilities - [WAC 388-444-0035](#)**

#### **Verifying a Personal Exemption**

1. Accept a client's statement for personal exemptions such as pregnancy or inability to work unless it is questionable.
2. To verify questionable information have the client provide:
  - a. Proof of the claimed exemption; or
  - b. An acceptable collateral source who we can contact for further verification.
3. If a client claims to be physically or mentally unable to work please refer to the **Unable to Work** section.
4. If the client is not able to verify their claim for an exemption, make a decision using the available information that is in the client's case file. Document your decision on the exemption.
5. The client is exempt from ABAWD requirements if they are sent for a HEN/ABD determination until the determination is made.
  - a. If the client is denied HEN/ABD:
    - Review the reason for denial. Even though the client may not be eligible for HEN/ABD, the client may still be eligible for a worker determined "unable to work" exemption. Follow the steps in the next section.
    - If the client is not eligible for an exemption they are required to participate in work requirements.
      - a. If non-qualifying months remain:
        - i. Send a notice to the client giving 10 days advanced notice that they must participate
        - ii. Participation is required the first of the month following the end of the 10 day advanced notice
      - b. If no non-qualifying months remain:
        1. 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:
  - For HEN the client is exempt from work registration for reason "unable to work".
  - For ABD the client is exempt from work registration for reason "federally/state determined disabled"
6. Clients that are ineligible due to having reached the three month time limit are not eligible based on an unverified questionable exemption claim, even if the client is expedited.

**EXAMPLE:**

On March 14th, you review a person's denial for ABD and determine that the person is an ABAWD who does not qualify for the "federally/state determined disabled" exemption. Send them a letter on March 15th to inform them that they must meet ABAWD work requirements to remain eligible for Basic Food. Since the letter provides at least 10 days notice before the beginning of the next full month, tell them in the letter that they must start meeting the work requirements on April 1st.

## Unable to Work

ABAWD personal exemption from participation due to being **unable to work**:

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.

Unable to work means that the client is not able to work at least eighty hours a month as required by the 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.

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 ([www.dshs.wa.gov/forms](http://www.dshs.wa.gov/forms)).

**NOTE:**

We **cannot** require a particular type or form of verification. See [WAC 388-490-0005](http://www.wac.gov/wac/388-490-0005).

**We automatically consider someone as unable to work if they receive any of these disability benefits with verification of this income:**

- Veterans Disability Benefits

- L&I or other Worker's Compensation
- Private disability insurance benefits

**Collateral contact can come from:**

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

**When further verification is needed:**

1. If the client has non-qualifying months left (WORK Registration/ Participation Screen) and is otherwise eligible for benefits, then approve Basic Food with the client coded as a non-exempt ABAWD. Set a communication set to the ABAWD specialized team for review of verification. Send a request for verification notice to the client. If the client does not provide this verification, they are not exempt from the ABAWD time limits. When deadline for the third month approaches the client will receive notification that their benefits will terminate if they do not participate or meet a personal exemption.
2. If the client doesn't have countable months available, pend the case to the ABAWD Specialized Team for further determination. Send request for verification notice to the client. If the client does not provide this verification benefits will be denied.

**NOTE:**

If the client's statement changes, to able to work, they can meet participation with any qualified work activity to remain qualified for basic food.

**Chronic Homelessness:**

A client may be unable to work due to chronic homelessness and therefore have a personal exemption from ABAWD work participation.

Examples of chronic homelessness:

- The client states they are homeless and do not have a regular nighttime place to sleep, "living on the streets"
- The client's residence or mailing address is a shelter location
- The client has a history of homelessness
- The client is homeless with housing or "couch surfing"

**NOTE:**

A person's inability to work does not have to be for a specific duration of time to meet the exemption. Simply, the client will be asked about their ability to work during their next certification or re-certification. If it is questionable at that time, then updated verification will be required.



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

### Volunteer and unpaid work programs.

ABAWDs can combine work and work programs to fulfill the 80 hour per month requirement.

### Workfare

Workfare is unpaid work performed by an ABAWD for a public or private non-profit organization. Workfare is available to non-exempt ABAWDs **only**. The activity is not available to non-ABAWDs since ABAWDs are limited to only three months of benefits without participating in work, job search, or a work program.

1. **Self-directed unpaid work in the community** - ABAWDS can meet their work requirement by [completing volunteer hours at a non-profit or public agency](#).
  - a. The number of hours an ABAWD is required to volunteer to retain benefits is the [amount of the assistance unit's Basic Food allotment divided by the state minimum wage](#). [There is a reconciliation chart for reference](#).
  - b. An ABAWD may volunteer at any non-profit agency that agrees to provide volunteer work opportunities for ABAWDS to meet their work requirements. [The non-profit must](#) complete the Workfare Site agreement 09-866 [and communicate with the ABAWD Specialized Unit](#).
  - b. [If you are a non-profit agency interested in becoming a Workfare agency](#) please inquire with [jobhelp@dshs.wa.gov](mailto:jobhelp@dshs.wa.gov).

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Non-profit agencies ~~have agreed~~ [agree](#) to verify that the ~~person~~ [ABAWD](#) has met their ~~ir~~ hourly requirement. ~~Upon verification we for us not to~~ [will not](#) count a month against the three-month limit. The ~~w~~ [Workfare](#) nonprofit agencies ~~will also agree to~~ [notify us](#) when a participant is no longer meeting the required hours.

### State approved Employment and Training programs for ABAWD Participation

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

- 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.

- Resources for Initiating Successful Employment (RISE)- This is a pilot study implemented by DSHS and DSHS, community based organizations and colleges that provide barrier reduction, training, retraining, job search and other supplemental support services to Basic Food work registrants in King, Pierce, Spokane and Yakima counties.
- Limited English Proficiency (LEP) Pathway- This program is for refugees and other special immigrants (under the five year bar) to gain English skills and other trainings and support to join in the workforce.
- Programs included with the Workforce Investment and Opportunity Act (WIOA)
- Program included under Section 236 of the Trade Act of 1974
- Washington Service Corps/AMERICORPS;
- Corrections Clearinghouse;
- NAFTA Transitional Adjustment Assistance Programs;
- Seattle Jobs Initiatives (SJI);
- And others as they apply

### **ABAWD Participation in BFET or RISE**

Participating in Basic Food Employment and Training (BFET) or the Resources to Initiate Successful Employment (RISE) pilot in King or Pierce County can be used to meet work requirements for ABAWDs as an approved Employment and Training Program. To be eligible for Basic Food, an ABAWD must participate in BFET or RISE before losing eligibility for Basic Food.

#### **Enrolling in BFET or RISE before Basic Food Closes due to the three-month limit:**

If an ABAWD client enrolls in BFET or RISE before the end of their 3<sup>rd</sup> 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.

#### **Enrolling in BFET or RISE AFTER Basic Food Closes due to the three-month limit:**

If an ABAWD client enrolls in BFET or RISE after Basic Food closes due to non-participation in work requirements, they must engage in work activities for a minimum of 80 hours in a month period or 16 hours of workfare, before they would be eligible to receive basic food assistance. Once the client has been approved for Basic Food, they may engage in pilot services through a contracted provider.

Individuals who apply for the pilot (RISE (treatment group) or BFET (control group)) are eligible for an exemption in their ABAWD status if they do not have enough participation hours.

#### **Job Search Services for ABAWDs:**

Job search hours are only countable for less than half of the total time a client is participating in BFET or RISE. For example, if a client is participating in BFET twenty hours a week, then only up to nine hours of Job Search can be counted as “participation” for ABAWD requirements. The

other eleven must be in another activity such as training, or a separate program such as Workfare.

### **Worker Responsibilities - [WAC 388-444-0040](#)**

#### **Monitoring ABABWD Participation**

If a client fails to participate in the month the ABAWD Specialized Team will:

1. Record on the Work Registration/Participation screen the month and year of non-participation under the appropriate 1st, 2nd or 3rd month. ACES will automatically terminate the case when the third date is entered.
2. Terminate benefits to clients who have regained eligibility but failed to participate, unless they are receiving the subsequent additional three months.
3. Send a termination letter with an explanation as to how to regain eligibility.

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

#### **Ineligibility Due to ABAWD Requirements**

1. 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 requalify under Regaining Eligibility
2. If a client is not eligible because the client does not participate, the person is an ineligible household member. We count this person's income to any remaining persons 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**

There isn't any limit to the number of times a client can regain eligibility. To regain eligibility a client must perform one of the following:

1. Complete 80 hours of training within a 30-day period;
2. Work 80 hours in a 30-day period; or

3. Participate in Workfare for ~~16 hours in a~~ the required number of hours per -month or, at a minimum, the number of required Workfare hours ~~required~~ based on the benefit amount on the reconciliation chart.

**Reconciliation Chart**

If an ABAWD client does not receive the maximum Basic Food allotment ~~and has participated in Workfare for less than 16 hours in a month, the client may be considered complying with the work requirements as follows they must participate based on the household's food benefit allotment divided by state minimum wage (rounded down).~~ :

**This chart is based on the state minimum wage of \$9.47 an hour effective January 1, 2015.**

Basic Food Benefits	Workfare Hours	Basic Food Benefits	Workfare Hours
\$1 - 18	1	\$105 - 113	11
\$19 - 28	2	\$114 - 123	12
\$29 - 37	3	\$124 - 132	13
\$38 - 47	4	\$133 - 142	14
\$48 - 56	5	\$143 - 151	15
\$57 - 66	6	<u>\$152 - 160</u>	<u>16</u>
\$67 - 75	7	<u>\$161 - 170</u>	<u>17</u>
\$76 - 85	8	<u>\$171 - 179</u>	<u>18</u>
\$86 - 94	9	<u>\$180 - 189</u>	<u>19</u>
\$95 - 104	10	<u>\$190 - 198</u>	<u>20</u>

**EXAMPLE:**

~~The client Bill is an ABAWD who gets a Basic Food benefit of \$115. He completes 12 Workfare hours, and the client's computed Basic Food benefit is \$115.~~ According to the chart, ~~the client~~ the has worked enough volunteer hours ~~to be eligible for the benefits~~ since the range for 12 hours is \$114 - \$123 in benefits.

**Eligibility for a Second 3-month period for ABAWDs**

This section only refers to those ABAWDs who are eligible for a second three-month period as described in WAC 388-444-0045(1) & (3). If an ABAWD becomes eligible for a second 3-month period the 3 months are consecutive months. A partial month of benefits does not count toward this second 3-month period. The client receives this second 3-month period whether or not the client is participating in work requirements.

If the ABAWD cannot use the additional 3-month eligibility period due to a disqualification, the ABAWD may work another 80 hours in a 30-day period again to become eligible for the second 3-month period.

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

1. ~~At the time of application, if~~ the client has completed the necessary participation and regained eligibility at the time of application by completing the necessary participation, and is otherwise eligible for Basic Food:
  - a. Remind them of the ongoing participation requirements; and
  - b. Certify the case for Basic Food.
  
2. If the client has not regained eligibility at the time of application:
  - a. Deny the application -until we receive verification that they have met participation:-
  - b. Informed them how they can regain eligibility through participation activities. Allow the case to remain pending;
  - ~~a-c. They must regain eligibility within thirty days of their application- or they will need to reapply once they have met participation.~~
  - b. ~~Inform them that they can regain eligibility through self directed workfare; and~~  
  
Provide them with information about agencies that have indicated a willingness to accept volunteer work.
  - e.—
3. ~~If the client does not regain eligibility during the 30 day application period, deny the application or:~~
  - a. ~~In a single member household, close the case, or~~
  - b. ~~In an opened Basic Food case, consider the person an ineligible household member.~~
- 4.3. ~~If the applicant completes~~ the 16 hours of the required number of hours for Workfare within the 30-day application period, follow the procedures in (1) of this section.
- 5.4. ~~Once the requirements for regaining eligibility are met~~ by work or an employment and training activity:
  - a. The client with a closed Basic Food case may, if otherwise eligible, receive benefits from the date ~~of the application, or they completed the necessary hours of participation (either 80<sup>th</sup> hour for work like activities or required amount of Workfare hours as determined by the Specialized ABAWD Team).~~
  - b. The client in an open Basic Food case, if otherwise eligible, is added back to the household following WAC 388-418-0020. *How the department determines the date a change affects the benefit level.*

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## [Administrative Hearings](#)

If an ABAWD requests an administrative hearing:

1. The client's three-month clock is paused by removing the 3<sup>rd</sup> non-qualifying month and benefits will continue until there is a hearing decision.
2. If the Department is upheld, the original 3<sup>rd</sup> 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.

### **Administrative Hearing Procedures**

~~If an ABAWD requests an administrative hearing, the client's three month clock stops ticking and benefits will continue until there is a hearing decision.~~

- ~~1. If the hearing goes against the ABAWD, the 3 month clock begins to tick the first of the month following the 10 day notice advising the client of the hearing decision; or~~
- ~~2. If the ABAWD has already used up the three months in a 36 month period, food assistance benefits are terminated the first of the month following the 10 day notice.~~
- ~~3. If the ABAWD client appeals the hearing decision, the three month clock stops ticking and benefits will continue until a final decision is reached.~~

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### **ACES Procedures**

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

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