ABAWD Policy 101
ABAWD Webinar Training Series
How to Listen in

• This webinar will be held in “listen only” mode

• There are two ways to listen
  • Via computer
  • Via telephone
Asking Questions

• Use the question box to ask your question any time during the presentation.

• At the end of the presentation, we will address as many questions as possible.

• Note: This webinar will be recorded. A copy of the recording and all presentation materials will be provided after the presentation.
## ABAWD Webinar Training Series

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<tr>
<th>Webinar</th>
<th>Date</th>
<th>Time</th>
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<td>January 28, 2020</td>
<td>1:00 – 2:30 PM</td>
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Background

• ABAWDs are eligible to no more than three full months of CalFresh benefits in a 36-month period, unless they are exempt from the time limit or are satisfying the work requirement.

• The SNAP time limit was implemented as part of federal welfare reform.

• The USDA, Food and Nutrition Service (FNS) published the Final Rule, Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults without Dependents on December 5, 2019.
### Overview of Final Rule

#### Waiver Criteria
- Redefines ABAWD Waiver Areas
- Imposes Two Core Standards
- Effective April 1, 2020

#### Discretionary Exemptions
- Eliminates current banked exemptions
- Limits carryover moving forward
- Effective October 1, 2020
Agenda

- **Background**
  - 36-month period & the fixed statewide clock
  - Time limit waivers
  - Tracking

- **Overview of CalFresh Work Registration and the ABAWD Time Limit policies**

- **Key Policy Topics**
  - Identifying ABAWDs
  - ABAWD Exemptions
  - Satisfying the ABAWD Work Requirement
  - Ongoing ABAWD Eligibility
  - Discretionary Exemptions

- **Q&A**
Background

• The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)

• Able-Bodied Adults Without Dependents (ABAWDs) limited to 3 months of SNAP benefits in any 36-month period
36-Month Period & Fixed Clock

• January 1, 2017 - California implemented a “Fixed Statewide Clock”

• This option is a fixed 36-month period with a definite start and stop date for every ABAWD statewide

• Continues uninterrupted regardless of whether the ABAWD is meeting the work requirement, exempt, etc.

• California’s current 36-month period began on January 1, 2020 and ends December 31, 2022.
• Waivers granted based on 24 months of unemployment rate data
  • CDSS applies for waivers on behalf of all counties that qualify

• CA currently under a partial waiver
  • Implementing counties – Alameda, Contra Costa, Marin, San Francisco, Santa Clara, San Mateo
  • Expires March 31, 2020

• Next waiver = pending
Work Registration and the ABAWD Time Limit
CalFresh Recipients

Work Registrants

ABAWDS

ABAWDS Subject to the Time Limit (non-Exempt)
CalFresh Work Registration

• Applies to people who are:
  • Age 16 - 59
  • Working under 30 hours per week
  • Do not qualify for an exemption from work registration

• Requires:
  • The individual to be “Registered” for work
  • Accept suitable employment if offered
  • Not voluntarily quit or reduce work hours below 30 per week
ABAWD Time Limit Rules

• ABAWD eligibility is limited to 3 full, countable months within a 36-month period

• Applies to individuals that:
  • Are 18-49,
  • Have no dependents, and
  • Do not qualify for an exemption.

• Requires:
  • ABAWDs to work or participate in a qualifying work activity for 20 hours per week, averaged monthly; 20 hours per week averaged monthly means 80 hours per month.
ABAWD Tracking

• For each month in the 36-month period the CWD must track each ABAWD’s participation status, including:
  
  • Exemption status
  • Use of any countable months
  • Use of three consecutive months
  • Fulfillment of the work requirement
  • Use of a discretionary exemption

• Tracking only begins for ABAWDs who are subject to the time limit and continues for the remainder of the 36-month period.
ABAWD Tracking

- ABAWD participation is tracked in the Statewide Automated Welfare System (SAWS) and the Medi-Cal Eligibility Data System (MEDS)
  - MEDS = accessible across all three consortia
  - INQG Screen

- Monthly status is tracked using various codes
  - Sample status codes:
    - N = Did not meet the work requirement - countable month
    - E = Exempt
    - 9 = Inactive/Ineligible
    - W = Satisfied the work requirement
# Example 36-Month Calendar

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P = Received partial month of benefits; W = Met the work requirement; N = Received countable month
Three-Step Process

1. Identify ABAWDS
Step One: Identify ABAWDs

CalFresh Recipient

- Meets work registration exemption
  - Not a work registrant
  - Not an ABAWD

- Does not meet work registration exemption
  - Work Registrant
    - 18 – 49 years old
      - Exempt
      - ABAWD subject to the time limit (non-exempt)
Three-Step Process

1. Identify ABAWDS
2. Screen for Exemptions
Step Two: Screen for Exemptions

Existing Caseload
- Utilize information in the casefile
- Build screening (both identifying ABAWDs and determining exemptions) into ongoing business process

New Applicants
- ABAWD Screening Tools
- Client Education
- Community Partners
Step Two: Screen for Exemptions

- Identification of ABAWDs exempt from the time limit is CRITICAL.

- Many ABAWDs face significant barriers to employment.

- Good exemption screening = less ABAWDs subject to the time limit = less benefits lost and reduced county workload.
ABAWD Time Limit Exemptions

1. Exempt from work registration
2. Age - under 18 or over 49
3. Medically certified as physically or mentally unfit for work
4. Residing in a CalFresh household with a member under age 18
5. Pregnant
1. Exempt from Work Registration

- Because ABAWDs are subset of work registrants, counties must apply work registration exemptions first
  - System automation is being updated to support this

- Work registration exemptions are only assessed at application and recertification
# Work Registration Exemptions

<table>
<thead>
<tr>
<th>Exemption</th>
<th>Requirement</th>
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<tr>
<td>Under age 16 or over 59</td>
<td>Caring for an incapacitated person or dependent child under age 6</td>
</tr>
<tr>
<td>Attending school or enrolled in an E&amp;T Program at least half time</td>
<td>Receiving or has applied for unemployment</td>
</tr>
<tr>
<td>Physically or mentally unfit for employment</td>
<td>Participating in a drug or alcohol treatment program</td>
</tr>
<tr>
<td>Complying with requirements of Welfare to Work</td>
<td>Employed or self-employed for a minimum of 30 hours per week, receiving weekly earnings equal to the federal minimum wage x 30 hours</td>
</tr>
</tbody>
</table>
2. Age – Under 18 or Over 49

• May be considered an ABAWD the month after their 18th birthday
• No longer considered an ABAWD beginning the first day of the month of their 50th birthday.
3. Medically Certified as Physically or Mentally Unfit for Employment

- A. Receiving public or private disability benefit
- B. Obviously unfit
- C. Medical Verification

Medically Certified
A. Receiving Public or Private Disability Benefits

• Applied for or receiving temporary or permanent, public or private disability benefits
• Sources including but not limited to:
  • Veteran’s disability benefits (any rating)
  • Workers compensation
  • Supplemental Security Income (SSI)
  • State-issued temporary or permanent disability benefits
• Verification:
  • Proof of receipt or pending application
  • May be known to county
B. Obviously Unfit for Work

- Determined by the eligibility worker during the intake interview – either face to face or via telephone
  - Examples include:
    - Observing that a person has an injury
    - Noting that a client is having trouble following the interview or is asking incoherent questions
    - Severe dental issues
    - Personal hygiene issues
    - Etc.
Indicators of Obvious Unfitness

- Experiencing chronic homelessness
- Drug and alcohol abuse
- Domestic violence
Indicators ≠ Exemption
Experiencing Chronic Homelessness

• CalFresh definition of homelessness: lacking a fixed or regular nighttime residence

• Individual is considered chronically homeless if they meet the current CalFresh definition of homelessness and if they:
  • Have been homeless 6 months or more;
  • Have been homeless more than one time in the last year; or
  • State they are unable to meet their basic needs. Basic needs include, but are not limited to:
    • Adequate shelter, heating and cooling, electricity, running water, food, and clothing
  • **MUST** be tied to a physical or mental unfitness to be exempt
Drug or Alcohol Addiction

• Do not have to be participating in a treatment program to qualify for this exemption

• MUST be tied to a physical or mental unfitness
Victims of Domestic Violence

• Defined as an individual who is a victim of any type of assaultive, coercive or battering behavior occurring within a domestic relationship

• Note: this policy is not restricted to just an intimate partner. It could apply to other relationships (e.g., sibling, parent, friend, etc.).

• **MUST** be tied to a physical or mental unfitness
C. Medical Verification

• If the unfitness is not obvious, the CWD must secure medical verification of the unfitness.

• Required Verification:
  • CalFresh Request for Medical/Mental Health Verification form (under development)
  • Written or verbal statement from a medical or mental health professional
    • Including: physicians, nurse practitioners, dentists, social workers, etc.
4. Residing In a CalFresh Household With a Member Under Age 18

- Household means part of the CalFresh household
  - Child can be an ineligible member of the CalFresh household for any reason
  - Child can be temporarily absent from the home (no longer than 30 days)
- The individual is:
  - Not required to be the parent of the child
  - Not required to be responsible for the child

- Verification:
  - Known to County
5. Pregnancy

• Pregnant
  • Any stage of pregnancy
  • Effective beginning the month of conception and applies until (and includes) the month of the child’s birth

• Optional Verification:
  • Client statement is sufficient
Final Thoughts on ABAWD Exemptions

• Indicators ≠ Exemption
  • **MUST** be tied to physical or mental unfitness

• Verification is flexible
  • Case narration is required
  • Always the option to verify questionable information

• Temporary vs. Permanent
  • Exemptions typically granted for the length of the certification period

• Retroactive changes
Three-Step Process

1. Identify ABAWDS
2. Screen for Exemptions
3. Engage in Work
CalFresh Recipients

Work Registrants

ABAWDS

ABAWDS Subject to the Time Limit (non-Exempt)
Satisfying the ABAWD Work Requirement

• ABAWDs subject to the time limit can satisfy the work requirement in several ways.

• Including, but not limited to participating in qualifying work activities such as:
  • Employment;
  • CalFresh Employment and Training;
  • WIOA Programs;
  • Programs under section 236 of the Trade Act of 1974;
  • Community Service/Volunteer Work; and
  • Workfare
Employment

• Paid Employment
• Self-Employment
• In-Kind Work - Work in exchange for goods or services
  • Examples:
    • Performing maintenance work in exchange for reduced housing costs
    • Babysitting in exchange for toiletries or other household items
    • Painting a neighbor's house in exchange for mechanical repairs on a vehicle

Required Hours: 20 hours per week or 80 hours per month on average; combinable with other qualifying activities
CalFresh Employment and Training

• E&T components that satisfy the work requirement are referred to as qualifying activities
  • Components that do not satisfy the work requirement are referred to as non-qualifying activities

• Qualifying activities consist of
  • workfare,
  • work experience,
  • self-initiated workfare,
  • education, and
  • vocational training.

• Non-qualifying E&T activities consist of:
  • stand-alone job club and job search components
    • May be used for up to 9 hours
WIOA Programs

- WIOA Programs include:
  - Job Search
  - Occupational skills training
  - On-the-job training
  - Job readiness training
  - Adult education and literacy activities

**Required Hours:** 20 hours per week or 80 hours per month on average; combinable with other qualifying activities
Programs Under Section 236 of the Trade Act of 1974

• Applies to workers identified by the Employment Development Department (EDD) as adversely affected by U.S. trade agreements

• Provides training to adversely affected workers through participation in programs subject to approval by the Secretary of the U.S. Department of Labor.

• These programs include
  • Job search;
  • Job club;
  • On-the-job training;
  • WIOA training; or
  • Remedial education programs.

Required Hours: 20 hours per week or 80 hours per month on average; combinable with other qualifying activities
Community Service and Volunteer Work

• ABAWDs may use community service or volunteer hours to satisfy the work requirement
  • Agencies which accept volunteering must be willing to verify hours worked
  • Verification form in progress

Required Hours: 20 hours per week or 80 hours per month on average; combinable with other qualifying activities
Workfare

• Various types of workfare
  • CalFresh E&T workfare
  • Comparable non-E&T workfare activities

• Required monthly hours are calculated based on the household’s CalFresh allotment divided by the state or local minimum wage
  • CWDs may use the highest minimum wage available: State, County, or City
  • Round down to the nearest hour

Required Hours: CalFresh household allotment ÷ state (or local if higher) minimum wage; cannot be combined with other qualifying work activities.
Workfare Hours Calculation

• Example:
  • Sarah’s CalFresh allotment is $192/month
  • CA minimum wage = $12.00/hour
  • $192 ÷ $12.00 = 16 hours per month
Ongoing ABAWD Eligibility Rules
Identifying a Countable Month

• Any month in which an ABAWD receives a full month of CalFresh benefits while NOT:
  • Exempt
  • Satisfying the ABAWD work requirement
  • Living in a waived county or area
  • Receiving a discretionary exemption

• ABAWDs are only allowed 3 countable months during the 36-month period.
Identifying a Non-Countable Month

• Any month in which the individual:
  • Satisfies the ABAWD work requirement;
  • Receives a prorated/partial month of benefits;
  • Qualifies for an exemption during any part of the month;
  • Receives a discretionary exemption; or
  • Has good cause

Does NOT count toward the three month time limit
Good Cause

• May be determined for those who fail to meet the work requirement for reasons outside of their control

• Includes, but is not limited to:
  • Illness (personal or of another household member)
  • Household emergency
  • Lack of transportation
  • Disaster

• Good cause provisions can be found at MPP 63-410.221 and 63-407.51
Non-Countable Month Examples

• An ABAWD individual applies for benefits on the 15th and receives a prorated benefit allotment
  • Non-countable (Partial Month)

• An ABAWD individual is sick with the flu for part of the month causing her to miss some work and not satisfy the work requirement for that month
  • Non-countable (Good Cause)
Sample 36-Month Record: Consecutive Use of Countable Months

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</table>

P = Received partial month of benefits; W = Met the work requirement; N = Received countable month; C = three consecutive months; Z = Residing in a waived area; 9 = Inactive/Ineligible
# Sample 36-Month Record: Non-Consecutive Use of Countable Months

Non-consecutive use of countable months with breaks in participation

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Inter-county Transfers
Moving within the State

- Certain counties may retain their ABAWD time limit waivers
- Moving **DOES NOT** restart the 36-month period or the 3 month time limit
- The record remains with the client until a new 36-month period begins
- Counting months is based on the waiver eligibility of where the client resides
Moving within the State

• When an ABAWD moves to a non-waived county, the receiving county is responsible for determining the ABAWD’s status
  • ABAWD status must be determined the month the ICT is complete
  • Is the ABAWD satisfying the work requirement? Exempt?

• Receiving county must screen the ABAWD individual for exemptions

• The receiving county is now responsible for tracking the ABAWD individual
Moving to a Waived Area

• An ABAWD is no longer subject to the time limit if they move to a waived area
  • They do not need to satisfy the work requirement

• May again be CalFresh eligible if they meet all other CalFresh eligibility criteria
Moving to a Non-Waived Area

• The ABAWD will be subject to ABAWD time limit rules

• The individual must:
  • Satisfy the ABAWD work requirement,
  • Qualify for an exemption, or
  • Receive a discretionary exemption

• CalFresh benefit months will be countable
Required Mid-Period Report

• ABAWDs subject to the time limit are required to report mid-period or when their hours drop below 20 hours per week or an average of 80 hours per month within 10 days

• CWDs will be required to take action on all mandatory reports which may result in:
  • Re-evaluation of exemption status
  • Good Cause Determination
  • Use of the discretionary exemption
  • Application of a countable month
  • Application of the three consecutive months
  • Discontinuance
Exhaustion of Countable Months

• An ABAWD that has exhausted their 3 countable months will be discontinued

• Ineligible for CalFresh the month after the last countable month is received
  • Single ABAWD CalFresh households:
    • Case will be discontinued
  • ABAWD in CalFresh household with other eligible members:
    • The ineligible ABAWD will be excluded from the CalFresh benefits.

• The ABAWD must become exempt, regain eligibility, or move to a waiver county to once again be eligible for CalFresh.
Noticing Requirements

• The notice must:
  • Inform ABAWD households of the time limit, work requirement and ABAWD exemptions
  • Inform ABAWD households of the reporting requirement to inform the CWD of a drop in work hours
  • List those months for which the ABAWD failed to satisfy the work requirement
  • Provide that the individual may present evidence that demonstrates the work requirement was satisfied for the months listed on the notice
  • Specify how the individual may regain eligibility
Regaining Eligibility

• An ABAWD may regain eligibility by:
  • Satisfying the work requirement for any 30 consecutive days,
  • Qualifying for an exemption during any part of the month,
  • Moving to a waived county/area, or
  • Reaching the end of the 36-month period.

• Unlimited

• Must submit a new application
  • Must submit proof of hours worked if regaining through employment or other qualifying activity
  • New certification period
  • Countable months do not start over
Additional Three Month Eligibility
Three Consecutive Months

• ABAWDs may be granted an additional three consecutive months of CalFresh eligibility

• Limited circumstances
  • Must have regained eligibility by satisfying the work requirement and then subsequently stopped meeting the work requirement

• Available only once during the 36-month period

• Must be used consecutively
### Example – Three Consecutive Months

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P = Received partial month of benefits; W = Met the work requirement; N = Received countable month; G = Good Cause; Z = Residing in waived area; C = Three consecutive months; 9 = Inactive/Ineligible
Discretionary Exemptions
Background

- Formerly known as 15 percent or percentage exemptions – now referred to as discretionary exemptions

- 2018 Farm Bill – Reduced allocation to 12 percent
  - Individual exemptions equal to 12 percent of a State’s caseload of ABAWDs subject to the time limit (not exempt)

- Allows selected ABAWDs to receive CalFresh benefits beyond the three countable months

- Recognition that the ABAWD work requirement is difficult to meet for some participants and complicated to implement

- One discretionary exemption = One month of CalFresh benefits for one ABAWD
Discretionary Exemption Allocation Flow

FNS  →  CDSS  →  County  →  ABAWD
Final Rule Changes to Discretionary Exemptions

• Current carryover eliminated if not allocated to ABAWDs prior to October 1, 2020

• Moving forward, the carryover of discretionary exemptions is limited to one year after the initial allocation

• Indefinite accumulation no longer allowed
Overuse of Discretionary Exemptions

• Codifies discretionary exemption overuse policy

• If more discretionary exemptions are used than what was allocated, the number of overused exemptions will be deducted from the allocation the following year

• If the negative balance is not fully offset, FNS will hold the state liable for the remainder
Discretionary Exemption Criteria Guidelines

• These criteria guide the use of discretionary exemptions at the county level

• Criteria includes but is not limited to:
  • Overissuance/Error Protection
  • Eligibility Extension
  • Special Circumstances
Overissuance/Error Protection

• Discretionary exemptions can be granted to individuals who:
  • Were inadvertently issued CalFresh benefits after exhausting their three countable months,
  • Did not satisfy the work requirement, or
  • Did not qualify for an exemption

• The CWD may assign a discretionary exemption, rather than establish an overissuance claim.
CalFresh Eligibility Extension

• Eligibility may be extended for ABAWDs who make an effort to satisfy the work requirement
  • For example, worked 10-19 hours a week versus 20
Special Circumstances

• The CWD may provide a discretionary exemption to ABAWDs in the following special circumstances:
  • Re-entry/Probation/Criminal Record
  • Seasonally Employed
  • Dependent Child Ages Out
  • Former Foster Youth
  • Family Reunification
  • Close to qualifying for an exemption or no longer being considered an ABAWD
  • Exonerated Persons
Applying Discretionary Exemptions

• Order of operations
• First, does the ABAWD qualify for an exemption from the time limit?
  • If yes, stop here. This client is exempt from the ABAWD time-limit
• Next, can good cause be determined?
  • If yes, stop here. This client would have satisfied the work requirement had it not been for their specific circumstance
• If neither of these apply, a discretionary exemption may be applied
Resources

• CalFresh Work Registration
  • ACIN I-01-13 – Policies and Procedures For CalFresh Work Registration
  • MPP 63-407 – Work Registration Requirements (CalFresh Regulations)
  • 7 CFR 273.7 – Work Provisions (Federal Regulations)

• ABAWD Time Limit
  • ACL 19-93 – CalFresh Able-Bodied Adults Without Dependents Time Limit Handbook Version 2.0
  • MPP 63-410 – Work Requirements for ABAWDs (CalFresh Regulations)
  • 7 CFR 273.24 – Time Limit for Able-Bodied Adults (Federal Regulations)
  • USDA FNS ABAWD Page
Q&A Session
Thank you!