



Richard O. Brajer
Secretary

Wayne E. Black
Director

September 7, 2016

Dear County Director of Social Services:

Attention: Food and Nutrition Services Managers and Supervisors

Re: Abled-Bodied Adults without Dependents (ABAWD) FAQ

The ABAWD Frequently Asked Questions originally issued January-2016 has been updated with additional clarifications on issues such as:

- Entering and Tracking ABAWD volunteer/working hours.
- Reacting to suspended ABAWD cases after three free months.
- Teacher and School employees.

Questions 18 to 24 were added with this update. The FAQ will be updated and reposted as needed.

If you have any questions, please contact the Operational Support Team via email at [**ost.policy.questions@dhhs.nc.gov**](mailto:ost.policy.questions@dhhs.nc.gov).

Sincerely,

A handwritten signature in black ink that reads 'David Locklear'.

David Locklear, Chief
Economic and Family Services

Attachments (1)
ABAWD FAQ
EFS-FNSEP-14-2016



ABAWDs Frequently Asked Questions

1.	<p>Q: Will the system automatically send a NOAA to the household letting them know that the benefits will be ending, or reducing for households that have other eligible members?</p> <p>A: The system will certify the HH for 6 months and automatically send a Notice of Adverse Action (NOAA) to terminate or reduce benefits after the ABAWD has received 3 free months. This process is automated and will not require any action by the caseworker, refer to manual section 245.06.</p>
2.	<p>Q: Client is an ABAWD and hours were reduced by employer to less than 20 hours (15) weekly. The client decides to return to school to get his G.E.D. and participates at least 5 hours weekly. Would this satisfy the ABAWD FNS work requirements? Can continuing education count as volunteer hours?</p> <p>A: One of the ways an ABAWD can fulfill the ABAWD work requirement is in manual section 245.01 A. 3. An ABAWD is fulfilling the ABAWD work requirement if they are in any combination of working and participating in a work program for a total of 20 hours per week (80 per month). If the 5 hours per week meets the definition of a work program as outlined in policy then you can count it.</p>
4.	<p>Q: In manual section 245, an ABAWD is defined as someone age 18 through 49 who lives in a FNS household without a dependent or child under the age of 18 and is able to work. It also states this applies even if the individual is neither the parent of the child nor responsible for the child and applies even if the child is ineligible. The ABAWD policy clarifications training webinar states the ABAWD work requirement and time limit applies to people age 18-49, fit for employment, do not live in a FNS household with a minor, not pregnant, and not already exempt from general work requirement (slide 4) This seems to match the above definition of an ABAWD However, it also defined a ABAWD as a FNS member who is included in a FNS unit that does not contain an individual under age 18 (slide 7) which sounds like a minor would have to be included in the individual's FNS case to meet the exemption. For example, if a 25 year old FNS individual who is able to work and claims separate household status because he eats/cooks separately (He is only person in the FNS case) , is currently living in the same residence with another household (other individuals which includes a minor) is he an ABAWD?</p> <p>A: You base the ABAWD determination on the FNS household not the physical household. If there is a child under 18 in the FNS household then no one in that FNS household is considered an ABAWD so ABAWD rules do not apply. In the example given the individual is the only person in the FNS household so he would be an ABAWD, refer to manual section 245.01 2</p>
5.	<p>Q: Should the worker shorten the cert period to 3/31/16?</p> <p>A: No workers are not allowed by policy to shorten certification periods.</p>
6.	<p>Q: We had a client that came in to discuss the ABAWD requirements/Student requirements and I need to get some clarification on the FNS ABAWD policy and FNS Student Policy and need clarification on the relation between the two policy requirements and what is stated on the notice that was mailed to the clients. Client was just terminated from FNS benefits because she is a full time student and not working 20 hours. The client has now disclosed that she is a full time student at CPCC and was placed in the program through Vocational Rehabilitation. Client has not filed for any disability programs. The notice on the ABAWD letter mailed states "Individuals who are able to work must do so unless you meet one of the following conditions: In school at</p>

	<p>least half time” Client is enrolled in school for more than half time. However, the FNS student policy states that the client must work at least 20 hours per week or meet one of the exemption requirements in the student policy, which references the exemptions in the Work Registration as Physically or Mentally Unfit for Employment. With these policies relating to each other, if the client brings in the DSS-8655 stating she is not able to physically work, would she be exempt from the student policy and the ABAWD policy? Also, in cases that the client is <i>not</i> physically or mentally unfit for employment, but is a full time student, will the clients still be required to also work the 20 hours as before the ABAWD policy took effect, even though the letter mailed states “Individuals who are able to work must do so unless you meet one of the following conditions. In school at least half time” and doesn’t mention the Student policy requirement to work the 20 hours per week.</p> <p>A: They are two separate policies and for Student or any other policy you would evaluate the client separately for each. Because ABAWD policy doesn’t replace other eligibility requirements you would evaluate under normal policy first and ABAWD separate.</p> <p>245.00 “ABAWD policy does not replace any other eligibility requirement, nor does it create eligibility where it does not otherwise exist.”</p> <p>You will evaluate the client for eligibility based on policy as usual, if they are otherwise eligible then you would evaluate to determine if they are ABAWD and subject to participation limitation. There are no short cuts, even if a worker knows that the client has used all of their ABAWD months they should still evaluate for benefits and deny if they fail another policy.</p> <p>So in your example. The first step is determining if they are eligible for FNS. From your description it sounds like they would not be an eligible student. There would be no step two you would stop there and deny the case for being an ineligible student. ABAWD policy doesn’t even enter into it because the client can’t be an ABAWD if they are not eligible to start with. An alternative example would be if she is a full time student that is working 20 hours per week.</p> <p>Step one: She would be an eligible student and meets all other eligibility requirements so she passes the first part of the process.</p> <p>Step two: Is she an ABAWD or not? She is between the ages of 18 and 49 and lives alone so she is an ABAWD. Determine if she is an eligible ABAWD. She would be fulfilling the ABAWD work requirements with her 20 hours per week, and be an eligible ABAWD, refer to manual section 245.01 1.</p>
7.	<p>Q: Legal services is stating that per Federal policy, a person can keep coming in on the second day of the month following the use of their free and/or bonus months and keep getting expedited FNS (for the 29 days).</p> <p>A: Once a client has used 3 free months they must meet one of the exemptions to ABAWD policy or regain eligibility to receive the 3 bonus months.</p>
8.	<p>Q: During a recent Supervisor meeting within Lincoln County, we discussed our concern with physically or mentally unfit for employment within the ABAWD Policy, refer to manual section 245.03, A, Item 4:</p> <p>All FNS unit members between the ages of 18 and 49 continue to be subject to the FNS work requirements described in manual section 240, regardless of whether or not they are subject to or exempt from the ABAWD FNS work requirements listed below:</p> <p>A. An individual is exempt from the ABAWD FNS work requirements if the individual is:</p> <p>4. Medically-certified as physically or mentally unfit for employment. Confirm by a doctor’s statement if not obvious. Accept a signed medical statement from a nurse, nurse practitioner, designated representative at a doctor’s office, or other appropriate medical personnel. If the medical condition is obvious, document in NC FAST. The concern is the statement that if the condition is obvious, the caseworker can document in NCFAST. Are</p>

	<p>there any guidelines being offered to counties as to what QC will be considering obvious, and not require a medical statement? A condition that one person might see as obvious may not be considered as obvious to another person, as this is individual judgement based. We would like to seek guidance on the matter to clarify and set agreement among the agency as when to require the client to provide the medical statement.</p> <p>A: QC will be looking at the worker's documentation and will not question it unless it is not documented or it is not a reasonable determination. Except where there is no leeway the policy is written now and future policy will be written in general terms and will not have restrictive language or examples. There are a couple of reasons for this, first it is impossible to account for all situations that may occur. Second, it has been found that when we try to put examples in policy workers impose those examples as the only guidelines or situations that the policy applies to and they do not evaluate the household's situation on an individual basis and make prudent decisions. Workers should have the flexibility to use prudent judgement whenever possible.</p> <p>If stricter guidance is needed, develop some guidelines that your county will use to be consistent within your county.</p>
9.	<p>Q: We have a 21 year old that applied today and is eligible for expedited benefits. Benefits for December have been issued. At Intake C/S he will begin college full time on January 6th. NCF makes him an ineligible student after January. In the past we have given high school graduates that were enrolled in college in the fall a full certification period, per policy.</p> <p>Now that he touches work registration, student and ABAWD policy one way or the other would we just terminate the case after January?</p> <p>A: The system (NCFAST) is correct that policy has not changed. If the client is an ineligible student then they would only be eligible for the one month and the application would be denied ongoing. Manual section 230.02 C: Enrollment begins the first day of the school term at the institution of higher education and ends when the student graduates, is suspended or expelled, drops out, or decides not to register for the next normal term (except summer school). Enrollment status during vacations and recess is determined based on the student's status just prior to the school break.</p>
10.	<p>Q: The ABAWD webinar (as well as OST at their last visit) seemed to indicate that they were going back on their original guidance that they gave us to certify all FNS hh's for the normal 6-month certs. Back in September, we were told to do normal certs and that NCF would automatically send timely termination notices to affected hh's in early March and individually terminate people from cases etc. They said at our meeting that they were reconsidering this. We need to confirm: whether we should give all hh's the normal 6 month cert at review or application OR if we know there is an ABAWD to limit the cert only through their free ABAWD or bonus months What happens to cases that were already certified beyond March 31st? We cannot shorten the certs, so what happens at review? Are any overpayments created? Will they be "automatically" terminated?</p> <p>The slide says MAY be and CAN be- we need to know if we would be in error for certifying people beyond their eligible months AND if the system will automatically terminate anyone. Legal services is very much involved in this... Legal services is also stating that per Federal policy, a person can keep coming in on the second day of the month following the use of their free and/or bonus months and keep getting expedited FNS (for the 29 days). Way back in the day, we would not approve anyone, even if they were potentially eligible for expedite FNS, unless they provided the verification that they were either now exempt from ABAWD or that they were eligible for the bonus months. Please find out if this is still the case or if we are going to have to see 14000 people each month applying for</p>

	<p>and receiving FNS one month at a time to get around the ABAWD requirements.</p> <p>A: You will evaluate any ABAWDs for continued eligibility at review. There will be no overpayments created as a result. As applications and recertifications are approved the system will read the evidence and notify the client on the approval letter of what months they are eligible for and will terminate the case when appropriate. This will be automated and not require the worker to take any action.</p> <p>Once a client has become an ineligible ABAWD they must become a non-ABAWD or meet one of the exemptions or meet the conditions to receive the bonus months to become eligible again. If a client comes in on the 2nd of the month and not meeting an exemption or meeting the conditions to receive bonus months then the application would be denied.</p>
11.	<p>Q: Is there any possible way to send us a copy of the webinar for ABAWD? We have so many people who need to take that training that it would be more effective for us to be able to take a copy and launch through our own on-line learning platform so that we have a record of who took it etc. Please let us know ASAP if this may be possible.</p> <p>A: The ABAWD webinar has been posted and can be viewed on the NC FAST Learning Gateway.</p>
12.	<p>Q: ABAWD work hours can include time worked as a volunteer at an approved site (by the county).</p> <p>We are not currently an E&T County and do not already have worksites approved. As we are looking at sites, is there any particular criteria we are required to use? And is there any particular method of tracking required? Will the worksite be required to be a part of any audits/ME evaluation?</p> <p>A: There are no state requirements outlined in policy, it is up to the county to determine what meets the definition of work. Tracking is incorporated into NC FAST and doesn't require any separate tracking. The Management Evaluation looks at your management of the program so evaluating your determination of what is considered approved will not be part of that evaluation.</p>
13.	<p>Q: We have a client who has two children in the home, one is 13 years and one is 16 years old. The job aid for Work Registration exemption lists how to enter in evidence the work registration for a parent with children under age 12. With policy (below), will client be affected by ABAWD if we enter work registration evidence for him?</p> <p>A: If there is a minor child in the FNS unit then no one in that FNS unit is an ABAWD and none of the ABAWD rules apply.</p>
14.	<p>Q: We have a local organization, Watauga Opportunities (website: http://www.woiworks.org/), that allows folks with disabilities and folks who have been in prison to work. Some folks who work at Wat Opp are not paid hourly, but by the piece they make. The person may or may not work 20 hours. We are not sure how this fits into the ABAWD requirements. I understand if a person is disabled it will not matter, but not sure about the other folks.</p> <p>A: There is no minimum dollar amount or pay rate attached to work for ABAWD purposes, it only states "paid" so this would be considered a job like any other.</p> <p>Manual section 245.01 B. Work Can Be: 1. Paid employment for an average of 20 or more hours per week or 80 hours per month, regardless of earnings. Request verification of income and hours worked. Include income in FNS budget and document the number of hours worked in NC FAST.</p>
15.	<p>Q: Can a client come in and apply and then request their case be terminated and return the next month to do the same thing to keep us from counting any free months? Can they keep doing this over and over? For example:</p> <p>January An ABAWD that has <u>not</u> used any of their free 3 months.</p>

	<p>The ABAWD comes in on the 2nd of the month or later and applies for benefits. The ABAWD is approved and certified for 6 months. They receive their January benefits, which are prorated. The ABAWD then request the case to be terminated. February The same ABAWD returns the 2nd (or later) of February to apply for benefits. The ABAWD still has <u>not</u> used all of their 3 months. January didn't count because it was a prorated month. The ABAWD is approved and certified for 6 months. The ABAWD receives February benefits which are prorated. The ABAWD then request the case to be terminated.</p>
	<p>A: Yes, policy allows a client to request their benefits be terminated at any time without any reason. Policy also states that we must take a new application on anyone who shows an interest in receiving benefits. There is no limit to the number of times this can be done as long as they have not used the 3 free months.</p>
<p>16.</p>	<p>Q: Our community college offers a lot of HRD classes to help people become more employable (Employability Lab, New Start Career Skills, Pathways, Success in the Workplace, etc) and the NC Works Career Center offers many similar opportunities. We need to clarify if participation in these classes impacts ABAWD eligibility or not. In reviewing manual section 245.01C, an ABAWD who attends employability type classes 20 hours per week, would not be considered compliant since they are not attending through participation in an Employment & Training Program or WIA/WIOA (We are not an E&T county at this time). Am I right? Or is the term "employment and training program" really broad here for purposes of ABAWD?</p>
	<p>A: The work program is broad. The county does not have to be an E&T county nor work program through WIA/WIOA. Whatever the community college offers to help individuals become more employable (Employability Lab, New Start Career Skills, Pathways, Success in the Workplace, etc) is acceptable, refer to manual section 245.03 B 4</p>
<p>17.</p>	<p>Q: We do have a Salvation Army shelter in our county. Are we to automatically consider someone unfit for work if they are staying in a homeless shelter? The reason I'm concerned about this is because a homeless shelter is very often full of resources and opportunities. Our Salvation Army is in town, on the bus route. They offer access many resources, sometimes they will even transport clients. Compare two scenarios: Joe, age 35, staying at Salvation Army shelter. Many employment opportunities nearby, on the bus route and the opportunity to volunteer right there onsite. Jack, age 35, lives in a more remote area of our county, sleeps on his uncle's couch. Unemployed, no regular reliable transportation, no nearby employment or volunteer opportunities. How fair is it to say Joe has an exemption because he is staying at the Salvation Army shelter when he really could have a better chance of meeting the work requirements than Jack?</p>
	<p>A: The key word is chronic homelessness. Chronic homelessness is a person: That would normally sleep in a place not meant for living; Leaves housing for a homeless shelter; Moves in with a friend or family member and leaves again for a homeless emergency shelter; Goes to jail and is released to living on the street; or Goes back to the friend or family member's house and leaves to move into a homeless emergency shelter. If the client meets the definition of Chronic Homeless they are exempt, refer to manual section 245.01 d</p>

18.	Q: How do I determine the ABAWD's volunteer hours to enter in the system?
	A: At application, reapplication, recertification, and change you will verify the hours that the ABAWD is working or volunteering and enter those hours into the system. One of the simplified reporting requirements is for the ABAWD to report if they stop working an average of 80 hours per month. If it is discovered after the fact that the ABAWD did not report then you would evaluate for potential overpayment, refer to manual section 245.05.
19.	Q: When we have ABAWDs that are working or volunteering how do we track their hours on a monthly basis?
	A: For FNS eligibility, it is not necessary to track the ABAWDs working or volunteer hours on a monthly basis. It is in direct violation of Simplified Reporting requirements to ask or require the client to report anything outside of the FNS reporting requirements. The Simplified Reporting requirements are listed in manual section 400.03
20.	Q: We have our clients keep a timesheet to report their volunteer hours to us monthly so we can track them. Is there a state form or a better way to do this?
	A: Refrain from asking the client to report anything outside of FNS reporting requirements immediately. The Simplified Reporting requirements are listed in manual section 400.03.
21.	Q: Because the system does not terminate the ABAWD case after their three free months how do we react if the ABAWD later reports a change or turns in a recertification?
	A: The system is sending the ABAWD a Notice of Adverse Action (NOAA). If the ABAWD reports a change prior to the effective date of the (NOAA) you will react to the change, refer to manual section 635.03 B If the change is reported after the effective date of the NOAA the ABAWD will be required to complete a new application. If the household sends in a recertification form after the effective date of NOAA treat it as a mail in application.
22.	Q: For teachers, would the months they are off during the summer count toward their free months?
	A: As long as the teacher is under a contract we annualize their income. Their income would be enough to exempt them from Work Requirements. If exempt from Work Requirements then they would be exempt from ABAWD requirements. The schools employees that are not under contract and do not meet any Work Requirements exemption or ABAWD exemption would incur countable months during the summer months.
23.	Q: When we find out that a client has worked enough hours in a previous month, what dates do we use in NC FAST to get it to recode the month as non-countable?
	A: Remember an individual that is exempt from ABAWD requirements for any part of a month is exempt for the entire month. It is important for correct ABAWD determinations that the actual dates of employment are used, refer to manual section 245.05 D.
24.	Q: When an ABAWD reapplies for benefits after using their three free months can they receive the prorated month of application since prorated months are non-countable?
	A: No, once the ABAWD has used 3 free months they must become exempt or regain eligibility to be eligible to receive 3 additional benefits, refer to manual section 245.04.