



## SNAP 803-1 ABLE BODIED ADULTS WITHOUT DEPENDANTS Disqualification/Regaining Eligibility

**Supersedes:** SNAP 803-1 (07/26/2023)

**Reference:** 7 CFR 273.7; 7 CFR 273.24; 7 CFR 273.11; P.L. 104-193 Section 824; Food Stamp and Nutrition Act of 2008, Section 6 (D)(2)

**Overview:** Individuals who have exhausted all three (3) countable Able-Bodied Adults Without Dependents (ABAWD) months are disqualified from receiving SNAP until they **meet one of the following:**

- Meet an ABAWD exemption (listed in section SNAP 801-1)
- Meet the regaining criteria at application (see regaining eligibility section below)
- Are eligible for “extended” subsequent months. (See below)
- Live in a geographically waived area (listed in section SNAP 802-1)
- The ABAWD span in which the individual accumulated the countable months has ended.

A prorated share of the ineligible person’s income will be counted. All the ineligible person’s resources will be counted. The disqualified person is not included in the household size when determining eligibility and allotment. All households must report changes, including the disqualified individual’s changes, according to the household’s reporting requirements.

### **ABAWD SPAN:**

Montana’s new fixed 36-month period runs from **July 1, 2023, through June 30, 2026.**

### **REGAINING ELIGIBILITY CRITERIA- FOR INDIVIDUALS WHO HAVE EXHAUSTED THEIR THREE MONTHS IN A 36-MONTH PERIOD:**

An ABAWD may regain eligibility by working and/or participating in approved training for a total of 80 hours within a 30 consecutive-day period. The 30-day period may:

- Begin as early as 30 days prior to the date of application, or
- End as late as 30 days after the date of application.

**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 were met, within a 30 consecutive-day period ending no later than 30 days after date of application, the application can be reverted to open with benefits beginning the date the individual requalifies.
  - c. If a client does not provide verification by the 30th day after the application, they will need to provide a new application.

An ABAWD may continue to receive SNAP if they continue to meet the work or training requirement (see SNAP Policy 801-1). **There is no limit to how many times an individual may regain eligibility.**

**ELIGIBILITY FOR A SECOND “EXTENDED” 3-MONTH PERIOD FOR ABAWDS**

Sometimes we see the following scenario:

1. Client exhausts initial three months.
2. Client then regains eligibility.
3. Client loses that regained exemption at a later date.

When this happens, the client is eligible for a subsequent 3-month period.

The second set of consecutive 3 months shall begin the month the client loses the “regained” ABAWD exemption. The client will receive the subsequent 3 months regardless of ABAWD status. If the client has no ABAWD exemption by the end of the third month, the benefits will terminate. **The extended months can only be used once per 3-year period.**

**NOTE:** An individual is not eligible for the three additional months if all other SNAP eligibility requirements are not met. For example, an individual cannot receive extended ABAWD months if they are currently disqualified for another reason.

**SNAP EMPLOYMENT & TRAINING:**

An ABAWD may choose to meet the work requirement through E&T **or** independently (see SNAP Policy 801-1 for work requirement details). An ABAWD who resides in one of the SNAP E&T counties (SNAP 701-2) may extend their SNAP eligibility by participating in a qualifying component of the SNAP E&T Program. SNAP eligibility is not delayed to verify SNAP E&T participation when an ABAWD in a SNAP E&T county has been referred before having exhausted

their three ABAWD months. The ABAWD individual is referred to SNAP E&T and, as long as they comply with SNAP E&T or independently meet the work requirements, the ABAWD time clock will not increment (SNAP 700).

**NOTE:** ABAWDs residing in SNAP E&T counties are referred to SNAP E&T prior to exhausting their three ABAWD months. If the ABAWD chooses to participate in a qualifying component or meet the work requirement independently, their SNAP eligibility continues, and the ABAWD time clock does not increment (SNAP 700).

ABAWDs residing in SNAP E&T counties who choose not to enroll and participate in a SNAP E&T qualifying component or meet the work requirement independently are limited to three months of SNAP benefits in a 36-month period unless they meet another work registration or ABAWD exemption.

#### **WORK REGISTRATION OPEN CASE:**

When an ABAWD gains a work registration exemption (SNAP 701-1), the ABAWD time limited provision does not apply. The exemption is added the month the exemption is gained, regardless of when it is reported see SNAP Policy 800).

#### **OPEN CASES:**

When an individual gains an ABAWD exemption after exhausting their three ABAWD months and the remaining members are still open on SNAP, the ABAWD is added according to the following:

1. ABAWD exemption due to employment – the ABAWD is added the month after they report and verify (SNAP 1501-5) they are working 20 hours a week, averaged monthly.
2. ABAWD exemption for attending a work program (SNAP E&T, WIOA or TAA) –the ABAWD is added the month after they report and verify enrollment.
3. Other ABAWD exemption – the ABAWD exemption is added the month the exemption is gained, regardless of when it is reported (SNAP 1501-5).

#### **SIMPLIFIED REPORTING:**

ABAWDs are informed of the ABAWD time limit provision and necessary reporting requirements prior to or upon approval via an eligibility staff member and written notice. ABAWDs are required to report:

- when their household income exceeds the GMI, and/or
- when their hours of work decrease below 20 hours a week, 80 hours averaged monthly.

The eligibility staff member must determine if the ABAWD meets an individual time limit exemption at each point of contact.

#### **STATUS CHANGE:**

The eligibility staff member must evaluate an individual's work registration, E&T and ABAWD exemptions at Simplified Report and Recertification. Recalculate ABAWD months if necessary.

#### **PARTICIPANTS WHO GAIN AN EXEMPTION DURING A CERTIFICATION PERIOD:**

If an ABAWD exemption is discovered during the certification period that was **NOT** required to be reported, we must determine if we need to apply an ABAWD exemption retroactively. If the gained exemption requires verification, we must pend for that information. When verified, we will remove the ABAWD months retroactively. If the exemption does not require verification (unless questionable), such as homelessness or veteran status, the ABAWD months will be removed upon notification. **Note:** All reported information should be filtered through the unclear information flowchart. (PAUG Business Processes)

- When the exemption is verified or does not require verification, the exemption should be added for the month the client gained the exemption. It does not matter if the month the exemption is gained is a full month. **Example:** Participant reported exemption on October 16, 2023, and the client is currently in their 2<sup>nd</sup> ABAWD month. We verify that the client gained the exemption in September. We would remove September and October ABAWD months and update the ABAWD exemption in CHIMES.

### **PARTICIPANTS WHO LOSE AN EXEMPTION DURING A CERTIFICATION PERIOD:**

If during the certification period we receive information that indicates a household member no longer meets an exemption, we must follow unclear information policy.

For example, if we have not screened the household member for other exemptions, the impact of no longer meeting a specific exemption may not be clear. If it is unclear whether the household member meets another exemption, we must not act on the information and must not subject the household member to the ABAWD time limit **until the household's next certification action or simplified report.**

**Note:** If the change was required to be reported based on their reporting requirements, verify the change and screen for another ABAWD exemption. If there is no other ABAWD exemption apply countable months retroactively and evaluate any additional months for an overpayment/IPV.

### **ADDING AN ABAWD INDIVIDUAL:**

When an ABAWD in a multiple member household isn't initially eligible but later reports employment, this change is acted upon under the 'adding a household member' rules (SNAP 1501-5).

### **COUNTABLE ABAWD MONTHS FROM ANOTHER STATE:**

When an ABAWD applies for SNAP and they indicate that they received SNAP in another State, the eligibility staff member must verify the number of countable ABAWD months received in the other State. The countable ABAWD months from another state must fall within same time period as Montana's fixed ABAWD clock. Once verified, these months are added manually to the ABAWD time clock by the eligibility staff member.

**Effective Date: April 18, 2024**