



CDSS

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**DEPARTMENT OF SOCIAL SERVICES**

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ARNOLD SCHWARZENEGGER  
GOVERNOR

October 17, 2008

ALL COUNTY INFORMATION NOTICE I-80-08

ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY FOOD STAMP COORDINATORS  
FOOD STAMP EMPLOYMENT AND TRAINING  
COORDINATORS

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

SUBJECT: ABLE-BODIED ADULT WITHOUT DEPENDENTS (ABAWD) STATEWIDE  
WAIVER FOR FFY 2009

REFERENCE: WELFARE AND INSTITUTIONS CODE SECTION 18926

The purpose of this letter is to inform counties that the United States Department of Agriculture, Food and Nutrition Service (FNS) has approved a statewide waiver of the Able-Bodied Adult Without Dependents (ABAWD) work requirement. The waiver would last for a one-year period beginning October 1, 2008 and ending September 30, 2009. The ABAWD work requirement would be waived for all counties within California unless a county declines to participate.

This letter also contains ABAWD policy information for eligible counties which implement the ABAWD waiver and for any counties that elect to opt out of the waiver. Welfare and Institutions Code section 18926 requires the California Department of Social Services (CDSS) to annually seek a federal waiver of the ABAWD work requirement for all eligible counties.

Federal food stamp law and regulations provide that FNS may waive the ABAWD work requirement for a state or portions of a state that meet at least one of several federally established eligibility criteria, which support a state's claim of an insufficient number of jobs for ABAWDs to meet the work requirement. Federal ABAWD waiver regulations at 7 CFR 273.24 (f)(2)(ii) specify that states may support a claim of a lack of sufficient jobs by documenting that the Department of Labor's Unemployment Insurance Service has determined that an area qualifies for extended Unemployment Insurance Benefits (UIB). FNS Administrative Notice 04-22 states that FNS will approve an ABAWD waiver for a state that is eligible for extended UIB anytime during the past 12 months. The extended UIB benefits program provides up to 13 weeks of extra benefits for workers who have exhausted their 26 weeks of state UIB.

Counties are reminded of the following ABAWD waiver implementation policies:

ABAWD waiver counties must continue to track and report the status of any ABAWD residing in their county. The status of ABAWDs must be entered as "exempt" on the Medi-Cal Eligibility Data System until September 30, 2009, or until the end of the ABAWD's 36-month period, whichever is earlier.

ABAWD waiver counties must not establish a 36-month calendar for a new ABAWD applicant during the waiver period or restart the 36-month calendar for any ABAWD whose 36-month period ends while the waiver is in effect.

- ABAWD waiver counties must continue to apply Food Stamp Employment and Training (FSET) program sanction requirements at Manual of Policies and Procedures (MPP) section 63-407 and voluntary quit sanction requirements at MPP section 63-408. This is because the ABAWD waiver does not affect FSET participation requirements or program sanction rules. Persons under food stamp sanction shall not be approved for food stamps until the sanction has been completed or they qualify for one of the work registration exemptions at MPP section 63-407.21.
- Individuals, who were previously discontinued for failure to meet the ABAWD work requirement and subsequently reapply for non-Assistance food stamps in a waiver county, shall be approved for benefits, if otherwise eligible. Such persons are not subject to the ABAWD work requirement so long as they live in a county where it is waived. FSET and voluntary quit sanctions do not stop when an individual moves to a county with a waiver.

ABAWD waiver counties must continue to report work registrants, ABAWDs, and FSET data on the Food Stamp Program Work Registrant, Able-Bodied Adult Without Dependents (ABAWD), and Food Stamp Employment and Training Program (FSET) Caseload Report (STAT 47) and the Annual Work Registrant and Food Stamp Employment and Training (FSET) Program Caseload Report (STAT 48). For purposes of completing the STAT report forms, persons who do not meet one of the ABAWD exemptions at MPP sections 63-410.31 or .32 are still considered ABAWDs even while residing in a county with a waiver.

- Those counties that participate in the waiver must inform their ABAWD population that they are not subject to the ABAWD work requirement for those months they reside in the county so long as the waiver is in effect.

Procedure for Declining an ABAWD Waiver:

The ABAWD waiver takes effect October 1, 2008, unless a county notifies CDSS via a letter or similar documentation from its county Board of Supervisors that it does not wish to waive the ABAWD work requirement. If your county declines to participate in the waiver, documentation from your Board should be faxed or mailed to CDSS by November 30, 2008. The letter/document should be sent to Robert Nevins of the Food Stamp Branch using the contact information shown below.

Robert Nevins, Food Stamp Analyst  
California Department of Social Services  
Food Stamp Branch  
744 P Street, M.S. 8-9-32  
Sacramento, CA 95814  
E-mail: [robert.nevins@dss.ca.gov](mailto:robert.nevins@dss.ca.gov)  
Fax: (916) 654-1295

If you have any questions concerning this letter, please contact Robert Nevins at (916) 654-1408.

Sincerely,

***Original Document Signed By:***

CHARR LEE METSKER  
Deputy Director  
Welfare to Work Division