

DEPARTMENT OF SOCIAL SERVICES
744 P Street Sacramento, CA 95814



March 23, 1998

ALL-COUNTY LETTER NO. 98-21

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY FOOD STAMP COORDINATORS

Reason for this Transmittal

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

SUBJECT: ABAWD WORK REQUIREMENT AND FOOD STAMP SANCTION POLICY GUIDELINES

The purpose of this letter is to transmit responses to frequently asked questions raised by counties as they administer regulations governing the Able-Bodied Adult Without Dependents (ABAWD) work requirement and the application of food stamp sanctions to persons who fail to comply with food stamp work requirements or voluntarily quit employment. To remind counties of changes made to food stamp and voluntary quit sanction regulations in August of 1997, this letter also transmits a summary of those amendments. In addition, this letter summarizes and transmits copies of modifications to ABAWD regulations which took effect November 6, 1997. Finally, this letter transmits revised food stamp notices of action (NOAs) and food stamp denial messages for use in denying benefits to ABAWDs who apply for food stamps prior to regaining eligibility.

Sanction Regulations

- o An individual who quits employment without good cause within 60 days of the date s/he applies for food stamps shall be denied eligibility for a period of 90 days starting from the date of quit. Applicants may reestablish eligibility at any time by becoming exempt or securing employment that is comparable in salary or hours to the job that was quit. An applicant denied eligibility for this reason shall not be considered to have committed an instance of noncompliance for purposes of determining the minimum length of any food stamp sanctions subsequently imposed. For those cases in which a quit occurs prior to certification, but is not discovered until after certification, the individual shall be treated as a food stamp recipient and the sanction shall last a minimum of one, three, or six months.
- o If a registrant qualifies for a work registration exemption, while under a minimum one, three or six month food stamp sanction, the sanction shall end and the registrant may reapply and be approved for food stamps if otherwise eligible. However, food stamp sanctions will not end when an individual qualifies for either of the exemptions at MFP Section 63-407.21(c) or (e). These provisions apply to persons sanctioned for noncompliance with food stamp work requirements, including failure to participate in the Food Stamp Employment and Training (FSET) program, reducing hours worked to less than 30 per week, or for voluntarily quitting employment. Notification requirements have also been amended to ensure that those who receive food stamp sanctions are informed of this provision.

ABAWD Regulations

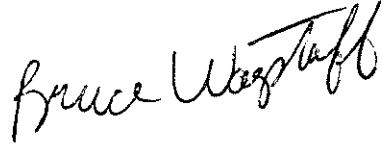
- o After the 36-month period identified in MPP Section 63-410.1 begins, any month in which food stamps are received for only part of the month shall count against the three-month limit if the ABAWD work requirement is not satisfied for that month;
- o Hours worked in employment that is defined as unsuitable in light of the minimum wage criteria listed at MPP Section 63-407.711 and .712 shall not count toward the 20-hour minimum established for those seeking to satisfy the ABAWD work requirement through employment;
- o Hours worked for in-kind income shall count toward the 20 hour weekly minimum if the food stamp recipient provides documentation verifying the number of hours worked and that the in-kind income being reported was an actual benefit received from the employer;
- o A program of employment and training approved by a state agency and identified in MPP Section 63-410.213(c) now includes refugee employability services identified in 45 CFR 400.154;
- o Any adult living in a household that contains a dependent child is exempt from the ABAWD work requirement; and
- o A county shall issue food stamps when an individual identified in MPP Section 63-410.521 begins satisfying the ABAWD work requirement. If the individual remains eligible, benefits shall be issued until the county learns that the ABAWD requirement is no longer being met.

Enclosure I contains frequently asked questions and responses involving the ABAWD work requirement and food stamp sanction regulations. It is important to note that the responses contained in this letter are subject to change if additional guidance or policy is issued by the Food and Nutrition Service (FNS). Enclosure II contains notices for use in applying food stamp sanctions and in administering regulations governing the ABAWD work requirement.

Counties should call the Forms Management Bureau at (916) 657-1907 or CALNET at 437-1907 for camera-ready copies of any form, NA form, NOA message or suggested informing language in any language. However, counties that have provided Language Services Bureau with a county contact and the specific languages (Spanish, Chinese, Cambodian, Vietnamese and Russian) will automatically be sent those languages as soon as the document (form/NA form/NOA message/informing notice) is translated.

ALL COUNTY LETTER
Page Three

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

A handwritten signature in cursive script that reads "Bruce Wagstaff". The signature is written in dark ink and is positioned above the typed name.

BRUCE WAGSTAFF
Deputy Director
Welfare To Work Division

Enclosures