



CDSS

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**DEPARTMENT OF SOCIAL SERVICES**

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December 14, 2009

ALL COUNTY INFORMATION NOTICE NO. I-85-09

REASON FOR THIS TRANSMITTAL

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

TO: ALL COUNTY WELFARE DIRECTORS  
ALL FOOD STAMP COORDINATORS  
ALL CONSORTIUM PROJECT MANAGERS

SUBJECT: QUESTIONS AND ANSWERS ABOUT THE CHANGES TO THE ABLE BODIED ADULTS WITHOUT DEPENDENTS WORK REQUIREMENT AS A RESULT OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

REFERENCE: ALL COUNTY LETTER 09-12

The purpose of this All County Information Notice (ACIN) is to provide clarification on the changes to the Able Bodied Adults Without Dependents (ABAWD) work requirement as a result of the passage of the American Recovery and Reinvestment Act of 2009 (ARRA) that were provided by the Food and Nutrition Service (FNS) in Administrative Notice (AN) 09-26 dated March 17, 2009, and AN 09-32 dated April 2, 2009.

**Background:**

ARRA of 2009, signed into law by President Obama on February 17, 2009, lifted the restrictions on food stamp eligibility for all ABAWDs from April 1, 2009 through September 30, 2010. This means counties cannot discontinue food stamp recipients for failure to satisfy the ABAWD work requirement during this period.

**QUESTION 1:**

If an ABAWD was discontinued prior to April 1, 2009, for failing to satisfy the ABAWD work requirement, would he or she have become eligible for food stamps effective

April 1, 2009, under ARRA? Must benefits be restored back to April 1, 2009, for ABAWDs who have subsequently been denied eligibility solely because of their failure to satisfy the ABAWD work requirement?

**ANSWER:**

Yes. The ARRA suspends the ABAWD work requirement from April 1, 2009 through September 30, 2010. Effective April 1, 2009, counties also should have restored food stamps to otherwise eligible ABAWDs who were part of an ongoing food stamp household. In addition, an ABAWD in a closed case who was previously discontinued for failure to meet the ABAWD work requirement can reapply for aid.

More significantly, California was approved for a statewide ABAWD waiver effective October 1, 2008, and no counties opted out of the waiver. For more information on the statewide ABAWD waiver, please see ACIN I-80-08.

Counties are reminded that this provision of ARRA has no impact on sanction requirements for the Food Stamp Employment and Training (FSET) program. Mandatory participants, including ABAWDs, who fail to comply with FSET requirements, still receive one-, three-, or six-month sanctions in accordance with Manual of Policies and Procedures (MPP) Section 63-407.5.

**QUESTION 2:**

Now that ABAWDs are not subject to time limits through September 30, 2010, are counties still required to count ABAWDs each month?

**ANSWER:**

Yes. Although counties are not required to **track** ABAWDs in regards to the three out of 36-month time limit, they do need to **count** ABAWDs each month for the purpose of the STAT 47 report and in projecting estimates for their FSET and Non-FSET county plans. **This means that counties should continue to report ABAWDs in Part A, number 2 of the STAT 47 report. However, Part A, numbers 3 and 4 should have zeros reported for Month 1, Month 2, Month 3, and the Quarter Total until September 30, 2010.**

**QUESTION 3:**

Under ARRA, are all ABAWD-countable months erased effective April 1, 2009?

**ANSWER:**

Yes. All ABAWD calendars in effect as of April 1, 2009, must be erased; and new calendars should not be established prior to October 1, 2010. Effective October 1, 2010, new ABAWD calendars should be established in counties that do not qualify for an ABAWD waiver for Federal Fiscal Year (FFY) 2011.

CDSS is working with the Department of Health Care Services and the three consortia that comprise the Statewide Automated Welfare System to address any automation and MEDS issues that may result from this change when setting all new 36-month ABAWD calendars on October 1, 2010. Separate instructions will follow via All-County Letter (ACL) or ACIN on this issue.

**QUESTION 4:**

What happens to the 15 percent ABAWD exemptions already allocated to counties for FFY 2009 and those that normally would be allocated for FFY 2010?

**ANSWER:**

The 15 percent ABAWD exemptions for FFY 2009 have already been allocated, and they will not be rescinded. In addition, a statewide ABAWD waiver has been in effect since October 1, 2008, which eliminated the need for 15 percent exemptions in California during FFY 2009. In the event California does not qualify for another statewide ABAWD waiver in FFY 2011, FNS will issue additional guidance to the states concerning the calculation and allocation of 15 percent exemptions for FFY 2011 and subsequent years following the expiration of ARRA. CDSS will disseminate this information to counties via an ACL or ACIN.

If you have any questions regarding the content of this letter, please contact Kristin Brinks, Food Stamp Employment and Special Projects Unit, at (916) 654-1435 or by email at: [Kristin.brinks@dss.ca.gov](mailto:Kristin.brinks@dss.ca.gov).

Sincerely,

***Original Document Signed By:***

CHRISTINE WEBB-CURTIS, Chief  
Food Stamp Branch