



CDSS

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ARNOLD SCHWARZENEGGER
GOVERNOR

June 21, 2010

ALL COUNTY INFORMATION NOTICE NO. I-54-10

ALL COUNTY WELFARE DIRECTORS
ALL COUNTY FOOD STAMP COORDINATORS

SUBJECT: ABLE-BODIED ADULTS WITHOUT DEPENDENTS STATEWIDE
WAIVER FOR FFY 2011

REFERENCE: WELFARE AND INSTITUTIONS CODE SECTION 18926; FEDERAL
ADMINISTRATIVE NOTICE 10-16

The purpose of this letter is to inform counties that the United States Department of Agriculture, Food and Nutrition Service (FNS) has announced that 49 states or geographic areas, including the state of California, qualify for a waiver of the Able-Bodied Adults Without Dependents (ABAWD) work requirement for Federal Fiscal Year (FFY) 2011. This information was released in Administrative Notice (AN) 10-16 dated February 1, 2010. Consistent with the provisions of Welfare and Institutions Code Section 18926, the California Department of Social Services (CDSS) Food Stamp Branch has informed FNS of California's interest in participating in the ABAWD waiver.

Effective October 1, 2010, The ABAWD work requirement will be waived for all counties within California except for those counties that decline to participate. This letter contains ABAWD policy information for counties that choose to participate in the ABAWD waiver. Instructions are also provided for any counties that choose not to do so.

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 waiver criteria. These criteria include a determination by the U.S. Department of Labor's (DOL) Unemployment Insurance Service that an area qualifies for Extended Benefits (EB). The DOL has determined that 49 states or geographic areas, including California, qualify for EB for FFY 2011. The EB program provides up to 13 weeks of extra benefits for workers who have exhausted their 26 weeks of state Unemployment Insurance Benefits.

REASON FOR THIS TRANSMITTAL

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

California received a statewide ABAWD waiver for FFY 2009 based on EB eligibility. In addition, with the passage of the American Recovery and Reinvestment Act (ARRA) of 2009, the restrictions on food stamp eligibility for ABAWDs were suspended from April 30, 2009 through September 30, 2010 nationwide. Therefore, non-assistance food stamp recipients are currently not subject to the ABAWD work requirement in California.

Implementation Policies

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, 2011, 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 waivers do not affect Food Stamp Employment and Training (FSET) participation requirements or program sanction rules. Mandatory FSET participants who fail without good cause to satisfy the requirements of a FSET activity to which they are assigned shall be subject to food stamp sanctions even if they reside in a county with an ABAWD waiver. Work registrants who participate in FSET on a voluntary basis shall not be subject to food stamp sanctions if they fail to satisfy FSET program requirements.
- ABAWD waiver counties must continue to apply sanction requirements at MPP Section 63-408 to food stamp work registrants who voluntarily quit a job, or reduce the number of hours worked to less than 30 per week.
- 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.

ABAWD waiver counties must continue to report work registrants, ABAWDs, and FSET data on the Food Stamp Program Work Registrant, Able-Bodied Adults 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, 2010, 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 of Supervisors should be faxed or mailed to CDSS by August 1, 2010. The letter/document should be sent to Robert Nevins of the Food Stamp Branch using the contact information shown below.

Robert Nevins, 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
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:

CHRISTINE WEBB-CURTIS, Chief
Food Stamp Branch