



# Supplemental Nutrition Assistance Program (SNAP) Able-Bodied Adults Without Dependents (ABAWD) Policy Guide

A Resource for State SNAP Agencies on Administering ABAWD Policy



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# 1 Introduction

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The Food and Nutrition Service (FNS) developed this guide as a supplement to program rules to help the Supplemental Nutrition Assistance Program (SNAP) State agency understand and operationalize able-bodied adult without dependents (ABAWD) time limit and work requirement policy. FNS recognizes that the State agency may use other terminology to refer to ABAWDs, such as time-limited participants. For the purposes of this guide, FNS uses the terms ABAWD and time-limited participant interchangeably. The 2023 edition of this guide incorporates updates to statute and regulation and replaces the 2015 edition, *Guide to Serving ABAWDs Subject to Time-Limited Participation*.

Federal law limits the amount of time a time-limited participant, commonly referred to as an ABAWD, can participate in SNAP to any three countable months in a 36-month period (the ABAWD time limit) unless the person meets the ABAWD work requirement.

In general, to administer time-limited participation policy the State agency must:

- Identify household members subject to the ABAWD time limit and work requirement:
  - First, screen household members for an exemption from the general work requirements; and
  - Then, screen household members for an exception from the ABAWD time limit and work requirement.
- Notify time-limited participants about the program rules that apply to them, such as reporting requirements.
- Determine whether time-limited participants are meeting the ABAWD work requirement and if they have good cause for not meeting the ABAWD work requirement.
- Track countable months.
- Apply the time limit to participants who have received SNAP benefits while not meeting the ABAWD work requirement for three months in a 36-month period.

Federal law provides two conditions that temporarily allow time-limited participants who are not meeting the work requirement to receive SNAP for longer than three months:

- **ABAWD Waivers.** The State agency can request and receive federal approval to temporarily waive the ABAWD time limit and work requirement in areas where unemployment is high, or job opportunities are scarce; and
- **Discretionary Exemptions.** The State agency can apply its limited number of discretionary exemptions to time-limited participants monthly.

## 2 Overview of the SNAP Work Requirements

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The Supplemental Nutrition Assistance Program (SNAP) has work rules SNAP participants may need to follow to receive SNAP benefits. Below details the different types of work rules.

### 2.1 General Work Requirements

SNAP participants are subject to the general work requirements unless they meet an exemption in federal law. The exemptions cover people under age 16, age 60 or older, those who have a physical or mental barrier to work, are enrolled in training or school, among other exemptions (See [Section 3.2](#) for full list of exemptions).

Most SNAP participants are exempt from the general work requirements. SNAP participants that are exempt from the general work requirements are not subject to the ABAWD time limit and work requirement. SNAP participants that are not exempt from the general work requirements may be subject to the ABAWD time limit and work requirement, and, therefore, need to meet two separate sets of work requirements.

#### 2.1.1 Requirements of Work Registrants

SNAP participants who are subject to the general work requirements are referred to as “work registrants.” Work registrants are required to:

- Register for work;
- Accept an offer of suitable employment;
- Not voluntarily quit or reduce hours of employment below 30-hours per week, without good cause; and
- Participate in workfare or SNAP E&T if required by the State agency.

#### 2.1.2 Good Cause

The State agency must determine if a SNAP participant has good cause for noncompliance with the general work requirements before imposing a disqualification period. If the State agency finds that a SNAP participant has good cause, it must not disqualify the SNAP participant. Good cause applies to circumstances outside the person’s control, such as:



Illness or illness  
of another family  
member



Household emergency



No  
transportation

### 2.1.3 Non-Compliance and Disqualification

The State agency must impose a disqualification period if a work registrant does not comply with the general work requirements without good cause. A person is ineligible to participate in SNAP until the disqualification period is over and they comply with the general work requirements (whichever happens later).

At the first occurrence of non-compliance, State agency can choose a period of

**1-3 months**

At the second occurrence of non-compliance, State agency can choose a period of

**2-6 months**

At the third occurrence of non-compliance, State agency can choose a period of

**6 months or permanent disqualification**

## 2.2 ABAWD Time Limit and Work Requirement

SNAP work registrants are subject to the ABAWD time limit and work requirement unless they meet an exception in federal law. The exceptions cover people who are under age 18, over a certain age,<sup>1</sup> pregnant, experiencing homelessness, veterans, among other exceptions (See [Section 3.3](#) for the full list of exceptions).

### 2.2.1 Requirements of Time-Limited Participants

Time-limited participants can meet the ABAWD work requirement in several ways:

- Working 80 hours a month. Work can be for pay, for goods or services/in kind (for something other than money), unpaid, or volunteer work;
- Participating in a qualifying work program for 80 hours a month, as determined by the State agency;
- Working *and* participating in a qualifying work program for a total of 80 hours a month, as determined by the State agency (for example 40 hours work and 40 hours participation in a work program); or

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<sup>1</sup> The Fiscal Responsibility Act of 2023 (FRA) gradually increases the age of those subject to the ABAWD time limit. By September 1, 2023, individuals over age 51 are not subject to the time limit. Starting October 1, 2023, individuals over age 53 are not subject to the time limit. Starting October 1, 2024, individuals over age 55 are not subject to the time limit. The changes to the upper age limit are temporary and no longer effective beginning October 1, 2030. <https://www.congress.gov/bill/118th-congress/house-bill/3746/text>.

- Participating in and complying with the requirements of a workfare program, as assigned.

The State agency cannot modify these options or increase the requirements. The State agency's notices, policy documents, and training materials must include all the options.

### **2.2.2 Reaching the Time Limit**

Time-limited participants who do not comply with the ABAWD work requirement and exhaust their three countable months of benefits lose their benefits for the remainder of the 36-month period.

A time-limited participant can **regain eligibility** during this period by meeting the ABAWD work requirement for 30 days, after which they remain eligible to receive SNAP for as long as they continue to meet work requirements (See [Section 8](#) on Regaining Eligibility).

### **2.2.3 Waivers and Discretionary Exemptions**

The ABAWD work requirement does not apply to time-limited participants who reside in areas of a State that are granted a waiver of the three-month time limit by FNS or to time-limited participants who the State agency gives a discretionary exemption. However, these time-limited participants are still subject to general SNAP work requirements and must participate in a training or workfare activity if referred by the State agency. (See Section 9 and 10 on [ABAWD Waivers](#) and [Discretionary Exemptions](#)).

## **2.3 SNAP Employment and Training**

SNAP Employment and Training (E&T) is intended to help SNAP recipients gain skills, training, work, or experience that will help them obtain regular employment. The State agency must operate a SNAP E&T program but has significant flexibility to design its program to meet the needs of SNAP participants and address local workforce needs.

SNAP E&T programs must include case management and at least one of the following components:

- supervised job search
- job search training
- workfare
- work experience
- education
- self-employment

The State agency determines its target population, how to provide case management, which components to offer, where to offer them, and must provide participant reimbursements for costs that are reasonably necessary and directly related to an individual's participation in SNAP E&T.

The State agency must screen all work registrants, including time-limited participants, based on State-specific criteria to determine if they should be referred to the SNAP E&T program and determine whether they are voluntary or mandatory SNAP E&T participants.

- Mandatory participants are required to comply with SNAP E&T, or they face disqualification. The State agency must provide good cause for mandatory E&T participants if there is not an available and appropriate E&T opening. This form of good cause is only for mandatory E&T and will not prevent a time-limited participant from accruing a countable month if they did not participate in another qualifying activity.
- Alternatively, the State agency can choose to operate a voluntary SNAP E&T program. If the State agency operates a voluntary SNAP E&T program, it does not disqualify for failure to comply with SNAP E&T, though the ABAWD time limit may still apply.

The State agency is not required to refer time-limited participants to SNAP E&T as mandatory participants. Mandatory SNAP E&T adds complexity to State agency operations because it drastically increases the chances that the State agency will need to apply both work requirement penalties – a disqualification period for the general work requirement and the ABAWD time limit to the same participant. Instead, the State agency can offer SNAP E&T to time-limited participants on a voluntary basis, as one of the several different ways that a person can meet the ABAWD work requirement.



## 3 Operationalizing Screening

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**Proper screening is one of the most important aspects of implementing the SNAP work requirements.** The State agency must have a plan for how it screens for exemptions from the general work requirement and exceptions from the ABAWD time limit and work requirements.

It is essential that the State agency:

- Develop a clear screening process.
- Provide training and guidance materials to eligibility workers such as a script or checklist with questions to ask during the interview.
- Consider what information the State agency obtains via the application process that could also aid in determining exemption and/or exception status (ex: age, disability status, earned income, and student status).
- Use information from various sources, including:
  - The household via the application and interview.
  - The eligibility system, such as relevant data from past participation in SNAP.
  - Other assistance programs.

The State agency is **not required** to verify an exemption or exception unless it determines the information is questionable or verification is otherwise required by program rules, for example, disability status.

### 3.1 When to Screen and What to Document

The State agency must screen all household members for exemptions from the general work requirements and exceptions from the ABAWD time limit at initial certification and at recertification. Households may also report changes to the State agency after certification that require the State agency to screen and determine a person's exemption and exception status.

The State agency must document information that affects eligibility and continued participation in the case file as it pertains to the general work requirements, ABAWDs, and E&T.

Case file documentation must indicate the following:

- Exemptions from the general work requirements and mandatory E&T, if offered by the State agency, for each household member.
- Exceptions from the ABAWD work requirement and time limit for each household member, if applicable.

- Additional information such as household members that regained eligibility, good cause, and discretionary exemptions.

### 3.2 General Work Requirement Exemptions

A person is exempt from the general work requirements if they are any of the following:

 <p>Younger than 16, or age 60 or older</p>	 <p>Experiencing physical or mental barriers to work (determined by your SNAP office)</p>	 <p>Responsible for the care of a child under age 6 or a person who needs help caring for themselves</p>	 <p>Going to school, college, or training program at least half time</p>
 <p>Receiving unemployment benefits or applied for unemployment benefits</p>	 <p>Meeting the work rules for Temporary Assistance for Needy Families (TANF)</p>	 <p>Working 30 hours or more a week or earning at least \$217.50 a week</p>	 <p>Participating in a drug addiction or alcohol treatment and rehabilitation program</p>

### 3.3 ABAWD Work Requirement/Time Limit Exceptions<sup>2</sup>

If the State agency determines a person is subject to the general work requirements, then it must determine if the person is also subject to the ABAWD work requirement and time limit or if they meet an exception.

<sup>2</sup> On June 3, 2023, the President signed into law the Fiscal Responsibility Act of 2023 (FRA). The FRA gradually increases the age of those subject to the ABAWD time limit and adds new groups of individuals who are excepted from the ABAWD time limit. The changes related to ABAWD exceptions, including the age-based exception, are temporary and no longer effective beginning October 1, 2030. <https://www.congress.gov/bill/118th-congress/house-bill/3746/text>.

A person is not subject to the ABAWD work requirements if they are any of the following:



### 3.3.1 Screening Tip: Physically or Mentally Unfit for Employment Exception

Physical or mental unfitness for work is both an exemption from the general work requirements and an exception from the ABAWD time limit and work requirement. The exemption from the general work requirement is defined by the State agency and must be as restrictive as the State’s definition for Temporary Assistance for Needy Families (TANF). The exception from the ABAWD time limit and work requirement is defined in SNAP regulations. The certification and recertification interviews are especially critical for screening for these criteria because in many cases SNAP households do not have documentation of physical or mental challenges.

For the exception from the ABAWD time limit and work requirement, the State agency must determine a person as unfit for employment if they are obviously mentally or physically unfit for employment or, if the unfitness is not obvious, based on a statement from a medical professional, as determined by the State. When a person’s unfitness for employment is obvious to the eligibility worker, the State agency does not need to require a statement or verification from medical personnel. The State agency should train its eligibility workers on indicators of obvious physical or mental unfitness and ensure its processes prevent placing unnecessary burden on people who are clearly unfit for employment. If the unfitness is not obvious and verification from a medical professional is unavailable, the State agency should make every attempt to verify the unfitness using an acceptable collateral contact (for example medical personnel or social worker).

A person does not need to meet the SNAP definition of “disabled” or to be receiving disability benefits to meet the physically or mentally unfit for employment criteria. However, the State agency must not

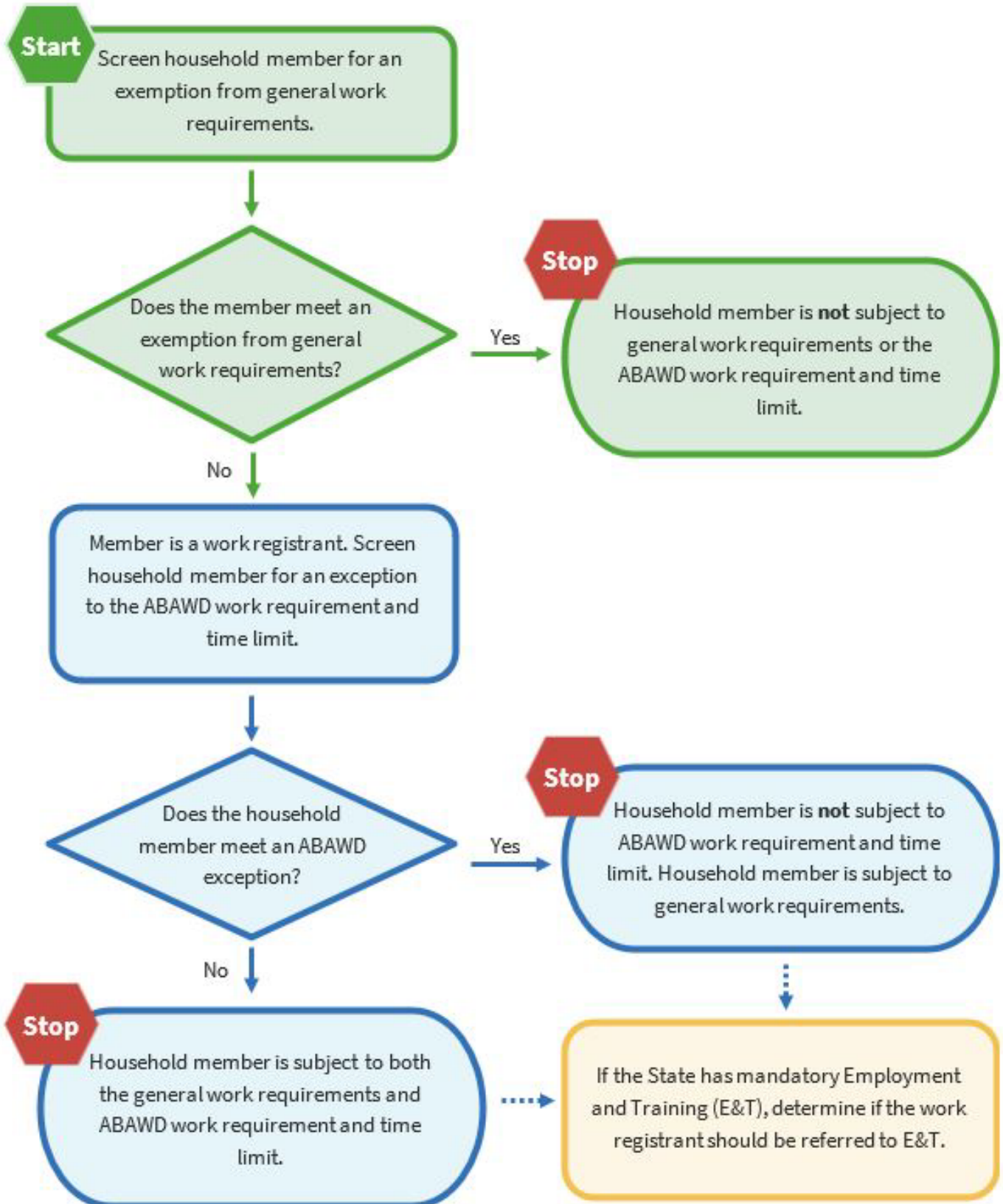
subject to the ABAWD time limit work requirement an person who qualifies as disabled and who is receiving temporary or permanent disability benefits issued by a governmental or private source.

### **3.4 Screening and ABAWD Waivers**

The State agency must continue to screen for exceptions from the ABAWD time limit and work requirement in areas with an ABAWD waiver for the following reasons:

- The general work requirements cannot be waived; the State agency must continue to identify work registrants;
- ABAWD waivers generally last only 12 months and do not align with the 36-month ABAWD period; and
- If the State agency stops screening while under a waiver, it will be unable to accurately administer the ABAWD time limit when the waiver ends since it will not know which are time-limited participants.

### 3.5 SNAP Work Rules Screening Flow Chart



## 4 The ABAWD Work Requirement

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Time-limited participants must meet certain work requirements to continue receiving SNAP. Time-limited participants can meet the ABAWD work requirement using one or a combination of the programs detailed below.

### 4.1 Qualifying Work Programs

Time-limited participants can participate in several different types of work programs to meet the ABAWD work requirement. Time-limited participants can combine participation in qualifying work programs with work hours to meet the 80-hour requirement. There is a limitation on the amount of job search activities the program can include for State or local E&T programs and SNAP E&T.

Under the general work requirements, the State agency can require work registrants to participate in SNAP E&T (mandatory SNAP E&T). This is separate from the ABAWD work requirement, but the hours also count towards meeting the ABAWD work requirement. The State agency can also choose to offer SNAP E&T for time-limited participants on a voluntary basis. This is a simpler option because the State agency will avoid needing to apply two different penalties – a disqualification period and the ABAWD time limit – to the same person.

Each qualifying work program is described below.

<b>Workforce Innovation and Opportunity Act (WIOA) Title 1 Programs</b>
<p><b>Description:</b> Programs and activities that support job training and related services to unemployed and underemployed individuals. Programs include, but are not limited to, WIOA Adult, Youth, and Dislocated Worker programs. When provided through WIOA, job search and job search training are not limited to less than half time to qualify towards the ABAWD time limit.</p> <p><b>Hours Required:</b> 80 hours per month, alone or combined with other work program or work hours, including paid and unpaid work.</p> <p><b>Funding:</b> Department of Labor.</p>
<b>Programs Under Section 236 of the Trade Act of 1974</b>
<p><b>Description:</b> Training programs for workers who lose their jobs or whose hours of work and wages are reduced because of increased imports. Training under Trade Adjustment Assistance (TAA) can include a variety of benefits and reemployment services to help unemployed workers prepare for and obtain suitable employment. Workers may be eligible for training, job search and relocation allowances, income support, and other reemployment services.</p> <p><b>Hours Required:</b> 80 hours per month, alone or combined with other work program or work hours, including paid and unpaid work.</p> <p><b>Funding:</b> Department of Labor.</p>

<p><b>Veteran Programs</b></p> <p><b>Description:</b> Any employment and training program serving veterans that is offered by the Department of Labor or Veterans Affairs</p> <p><b>Hours Required:</b> 80 hours per month, alone or combined with other work program or work hours, including paid and unpaid work.</p> <p><b>Funding:</b> Department of Labor or Department of Veterans Affairs.</p>
<p><b>Workforce Partnerships</b></p> <p><b>Description:</b> Programs operated by a private employer, an organization representing private employers, or a nonprofit organization providing services relating to workforce development; or an entity identified as an eligible provider of training services under Section 122(d) of WIOA. Workforce partnerships may include multi-State agency programs and must follow the Fair Labor Standards Act of 1938.</p> <p><b>Hours Required:</b> 80 hours per month, alone or combined with other work program or work hours, including paid and unpaid work.</p> <p><b>Funding:</b> Multiple potential funding sources; Cannot use SNAP E&amp;T funds.</p>
<p><b>SNAP Employment and Training (E&amp;T)</b></p> <p><b>Description:</b> SNAP E&amp;T components include supervised job search, job search training, E&amp;T workfare, work experience, and education. Job search activities must be less than half of required hours to qualify towards the ABAWD time limit. Activities must be approved through the State agency SNAP E&amp;T Plan. Individuals participating in SNAP E&amp;T must receive case management (See 7 CFR 273.7(e)(1)) and participant reimbursements (See 7 CFR 273.7(d)(4)).</p> <p><b>Hours Required:</b> Hours are calculated for E&amp;T work experience and E&amp;T workfare as follows:</p> <ul style="list-style-type: none"> <li>➤ <i>E&amp;T Work Experience:</i> 80 hours per month, alone or combined with other activities. Unpaid work hours cannot exceed the result obtained by dividing a household’s SNAP allotment by the higher of the applicable Federal or State minimum wage.</li> <li>➤ <i>E&amp;T Workfare:</i> Hours equal to the result obtained by dividing a household’s SNAP allotment by the higher of the applicable Federal or State minimum wage.</li> </ul> <p><b>Funding:</b> SNAP E&amp;T funds.</p>

## 4.2 Workfare

Time-limited participants can participate in multiple types of workfare programs to meet the ABAWD work requirement. In the context of SNAP, workfare is traditionally a household responsibility that is shared among all work registrants in the household. Workfare generally requires fewer than 80 hours per month to meet the ABAWD work requirement. The maximum monthly hours for workfare are calculated by dividing the household allotment by the higher of the Federal or State minimum wage. The State agency decides how to apportion hours among work registrants in the household but must

ensure that it never requires a person to work more than 30 hours per week total (including workfare hours and any other hours worked in any compensated capacity).

Prior to making a workfare assignment, the State agency may establish a job search period of up to 30 days following initial SNAP certification. This job search activity is part of the workfare assignment. The job search period may only be conducted at certification, not at recertification.

The primary types of workfare programs that the State agency could offer time-limited participants are described below.

<b>Optional Workfare Programs</b>
<p><b>Description:</b> Workfare programs operated by political subdivisions outside of the SNAP E&amp;T program. Political subdivisions include any county, city, town, or parish. Political subdivisions must submit workfare plans to State agencies and FNS.</p> <p><b>Hours Required:</b> Hours equal to the result obtained by dividing a household’s SNAP allotment by the higher of the applicable Federal or State minimum wage.</p> <p><b>Funding:</b> Local and/or State agency government funding and 50 percent Federal reimbursement. State agency may not use 100 percent E&amp;T grant. Political subdivisions are eligible for workfare savings.</p>
<b>Voluntary Workfare Programs</b>
<p><b>Description:</b> Workfare programs with no disqualification for a failure to comply because participation is voluntary. May be operated by the State agency or local political subdivisions. Activities must be described in a workfare plan.</p> <p><b>Hours Required:</b> Work hours are negotiated between State and household. Cannot exceed hourly requirements of mandatory workfare programs.</p> <p><b>Funding:</b> Same as optional workfare programs.</p>
<b>Comparable Workfare Programs</b>
<p><b>Description:</b> Similar to other workfare options, except that time-limited participants may be responsible for finding their own public service placement. The time-limited participant is responsible for arranging to have their participation reported to the local SNAP office and for verifying hours. May be operated by the State agency or local political subdivisions.</p> <p><b>Hours Required:</b> May use a range or SNAP allotments and corresponding fixed participation hours. The maximum hours worked weekly, combined with any other hours worked for compensation, must not exceed 30 hours per week.</p> <p><b>Funding:</b> Same as optional workfare programs.</p>



### **4.3 Determining If a Time-Limited Participant is Meeting the ABAWD Work Requirement**

The State agency must determine whether a time-limited participant is meeting the ABAWD work requirement. The State agency should ask households directly (such as on application and report forms or during the interview) about whether household members are working, volunteering, participating in a work program, or participating in workfare, and, if so, for how many hours. The State agency should have information on a time-limited participant's hours if they are satisfying the work requirement by participating in a State agency-operated work or workfare program.

### **4.4 When to Verify Hours**

If a time-limited participant is meeting the ABAWD work requirement, the State agency must obtain verification of their work, work program, or workfare hours at certification, recertification, and, potentially, during the certification period based on reported changes. Like the SNAP rules concerning income, the State agency is not required to verify a time-limited participant's hours monthly, nor can the State agency require the participant report the hours more than what is required by their assigned reporting method.

Examples of sources that the State agency can use to verify hours:

- Paycheck stubs
- Employer statements
- Third-party employment and earnings verification systems
- Collateral contacts
- The SNAP E&T provider or other qualifying work program provider

The State agency may use information it receives from other public assistance programs that are part of the same State agency. Information from other programs within the same State agency is considered verified. Refer to the June 2023 memo, "[SNAP Use of Information from Other Public Assistance Programs](#)," for further guidance.

## 5 Countable Months, the 36-Month Period, and the Time Limit

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Countable months is a term that describes the three months a time-limited participant is eligible to participate in SNAP while not meeting the ABAWD work requirement. A time-limited participant is ineligible to participate in SNAP after they have received three countable months in the 36-month period. Countable months do not need to occur consecutively.

### 5.1 Defining Countable Months

Countable months are months in which a person receives a **full SNAP benefit allotment** and **does not meet** any of the following criteria:

- Exempt (the person is not an ABAWD)
- Receiving benefits that are prorated (a partial benefit month);
- Living in an area covered by an FNS-approved waiver of the ABAWD time limit;
- Meeting the ABAWD work requirement;
- Granted a discretionary exemption by the State agency;
- Determined to have good cause for not meeting the ABAWD work requirement by the State agency; or
- In the month of notification from the State agency of a “provider determination” (from a SNAP E&T provider).

Time-limited participants who become ineligible for SNAP due to using all three countable months could become eligible again and reapply (or an ongoing household may request to add the person) at any point. For example:

- A person could become exempt (the person is not an ABAWD);
- A time-limited participant could regain eligibility by meeting the ABAWD work requirement (See the Section on Regaining Eligibility);
- A time-limited participant may live in an area that is covered by an ABAWD waiver; or
- A time-limited participant could be granted a discretionary exemption by the State agency.

### 5.2 Measuring the 36-Month Period

The State agency must adopt one of the three options below for measuring the 36-month period for time-limited participants and apply it consistently Statewide (it cannot use different options in different areas).

<b>Universal Fixed Clock</b>
<p><b>Description:</b> The same start and stop date Statewide for all participants. Starts on the same date and runs continuously for 36 months, then starts again following the lapse of each 36-month period.</p> <p><b>Example:</b> The State agency is using a Statewide 36-month period of October 2023 through September 2026. If a person applies in October 2024 and the State agency determines they are eligible, the State agency would use the existing 36-month period for that person. On October 1, 2026, the State agency would give everyone a new 36-month period through September 2029.</p>
<b>Individual Fixed Clock</b>
<p><b>Description:</b> Individual start and stop dates for each participant based on the month of application or the date the participant becomes subject to the time-limit/loses exemption status. Runs continuously for 36 months, then starts again following the lapse of each 36-month period.</p> <p><b>Example:</b> If a person applies in July 2023 the three-year period would last through June 2026. On July 1, 2026, the State agency would start a new 36-month period for the person through June 2029.</p>
<b>Rolling Clock</b>
<p><b>Description:</b> Looks back 36 months from the date of application and each month thereafter. Does not have a definite start and stop date. Instead, the 36-month period advances forward each month, removing one month from the past and adding one month to the future.</p> <p><b>Example:</b> If a person applies in January 2024, the State agency looks back to February 2021, to determine if that person has accrued any countable months during the 36-month period. The following month, February 2024, the State agency would look back to March 2021, to measure countable months.</p>

### 5.3 Tracking Countable Months

The State agency must track countable months within the 36-month period. Tracking requires keeping a record of which months are countable months which can be challenging because a person's circumstances can change. For example, a person could be a time-limited participant at certification but become exempt two months later. Alternatively, a time-limited participant could meet the work requirement one month but not the next. The State agency must track countable months even if there are breaks in a person's time-limit status or participation in SNAP.

The State agency must continue to track in areas with ABAWD waivers or it will be unable to administer the law when the waiver expires.

### 5.3.1 Operationalizing Tracking

The State agency has discretion on how to operationalize tracking as long as it meets policy requirements.

Tracking considerations:

- The State agency must choose whether to use a universal fixed, individual fixed, or rolling clock for the 36-month period.
- The State agency must have thorough screening procedures for good tracking (See [Section 3](#) on Operationalizing Screening).
- The State agency must ensure the worker and/or eligibility system only applying countable months when appropriate.
- The State agency must be able to update a person's status in the tracker as necessary.

In some cases, the State agency might not learn of a change in exemption status timely. When this occurs, the State agency must adjust the person's countable months retrospectively to change exemption status, if appropriate, based on the information and verification at hand. The State agency must adjust the tracker even if the change was not required to be reported based on the reporting system it assigned to the household. If the change in exemption status was something the household was not required to report to the State agency and it results in a time-limited participant receiving more than three countable months, the State agency would not establish a claim. For example, a person who was exempt at certification could become a time-limited participant during the certification period based on a child in the household leaving the household (or other changes that would cause them to lose an exception).

In other cases, the State agency might not learn that a time-limited participant started a new job and met the work requirement by working timely. When this occurs, the State agency has the option to remove countable months retrospectively based on the work hours that were reported.

### 5.3.2 Applying the Time Limit

The State agency must apply the time limit to time-limited participants that use all three countable months in a 36-month period. The State agency must provide the household with a Notice of Adverse Action (NOAA) at least 10 days prior to disqualification just as it would prior to taking any other adverse action on a SNAP household's case. Therefore, the State agency must send the NOAA and prepare to terminate benefits for the time-limited participant before the end of their third countable month. If the tracking system indicates that a person is in their third countable month, the State agency proceeds to send the NOAA at least 10 days before the end of the month and prepares to terminate benefits for the time-limited participant before it issues the next month's benefit allotment.

However, certain factors could stop the State agency from proceeding with terminating the time-limited participant’s SNAP benefits, including:

- The household could respond to the NOAA with information that causes the State agency to determine the time-limited participant has become exempt (not an ABAWD) or is meeting the work requirement.
- The household could request a fair hearing and continuation of benefits (pending the fair hearing decision).
- The State agency could have approval from FNS for a temporary ABAWD waiver that is effective the next month in the area where the time-limited participant lives.
- The State agency could plan to provide the time-limited participant with a discretionary exemption for the next month.
- The State agency’s 36-month period for the time-limited participant could lapse at the end of the month and start again the next month. This would mean that the time-limited participant would have three new countable months because they are in a new 36-month period.

### 5.3.3 Common Tracking Scenarios

The three examples that follow illustrate common tracking scenarios. The examples are based on a State agency that uses a universal fixed clock to measure the 36-month period. Below is a key for all examples:

Indicator	Description
Blank Squares	Not Participating in SNAP
Number 1, 2, or 3	Countable Months
M	Meeting Work Requirement
W	Living in area with an ABAWD waiver
D	Granted a discretionary exemption from the State
E	Exempt
R	Person reapplies for SNAP

#### Example 1

A person applied for SNAP in April of year one. The State agency screens for exemptions and determines that the person is a time-limited participant. The State agency determines that the time-limited participant is not meeting the ABAWD work requirement and has no prior countable months. The State agency certifies the household. The household applied after the first of the month, so April

is a prorated benefit month and, therefore, not a countable month. May, June, and July are countable months because the time-limited participant is not meeting the ABAWD work requirement. In mid-July, the State agency sends a NOAA and terminates benefits for the time-limited participant effective August 1. If the household included other members who remain eligible, the State would only reduce the benefit amount by one person (the ineligible time-limited participant).

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Year 1				P	1	2	3					
Year 2												
Year 3												

### Example 2

This example begins the same as example one, but in June the time-limited participant reports and verifies that they are meeting the ABAWD work requirement. Then, in August the time-limited participant stops meeting the ABAWD work requirement. In mid-September, the State agency sends a NOAA and terminates benefits for the time-limited participant effective October 1. This example shows how countable months are not necessarily used consecutively.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Year 1				P	1	M	M	2	3			
Year 2												
Year 3												

### Example 3

This example shows how ABAWD waivers, discretionary exemptions, and changes in exemption status may impact a case. The time-limited participant applies in April of year one. The State determines the time-limited participant is not exempt nor are they meeting the ABAWD work requirement. However, the time-limited participant lives in an area with an ABAWD waiver that expires at the end of June. The State agency decides to grant the time-limited participant a discretionary exemption for July, August, and September. The time-limited participant uses the three countable months in October, November, and December. In mid-December, the State agency sends a NOAA and terminates benefits for the time-limited participant effective January 1 of year two. In June of year two, the person reapplies for SNAP and the State agency finds that they meet an exemption and are no longer a time-limited participant. The person does not recertify for SNAP and benefits end effective June 1 of year three. In October of year three, the person reapplies for SNAP. The State agency denies the application because

it finds that the person is a time-limited participant (again) and has used their three countable months within the 36-month period.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Year 1				W	W	W	D	D	D	1	2	3
Year 2						E	E	E	E	E	E	E
Year 3	E	E	E	E	E					R		

## 6 Noticing Requirements

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In addition to the SNAP notices and information that are generally required for all SNAP households, the State agency must also provide specific notices and information to time-limited participants. These include explanations of the ABAWD time limit and **work requirement, the reporting requirements, and the notice of adverse action.**

### 6.1 Written and Oral Explanation of Work Requirements

The State agency must provide households with a consolidated written notice and an oral explanation of all applicable work requirements, including the general work requirements, ABAWD requirements, and mandatory SNAP E&T, if assigned. The State agency must provide this consolidated written notice and oral explanation at certification, recertification, and whenever a previously exempt household member or new household member becomes subject to work requirements.

#### 6.1.1 Notice Requirements

The consolidated written notice must include:

- An explanation of each applicable work requirement;
- Which individuals are subject to which work requirement;
- Exemptions from each applicable work requirement;
- An explanation of the process to request an exemption (including contact information to request an exemption);
- The rights and responsibilities of each applicable work requirement;
- What is required to maintain eligibility under each applicable work requirement;
- Pertinent dates by which an individual must take any actions to remain in compliance with each applicable work requirement;
- The consequences for failure to comply with each applicable work requirement;
- An explanation of the process for requesting good cause (including examples of good cause circumstances and contact information to initiate a good cause request); and
- Any other information the State agency believes would assist the household members with compliance.

If an individual is subject to mandatory SNAP E&T, the written notice must also explain:

#### Model Notice Toolkit

The toolkit includes model notices with examples of plain language and formatting that the State agency can adapt. Please see the “**Notice of Consolidated Work Requirements**” for an example notice and an example oral script for eligibility workers and the “**NOAA for ABAWDs 3rd Countable Month**” example notice. Please visit:

<https://www.fns.usda.gov/snap/model-notice-toolkit>



- The individual's right to receive participant reimbursements for allowable expenses related to participation in SNAP E&T, up to any applicable State cap; and
- The responsibility of the State agency to exempt the individual from the requirement to participate in SNAP E&T if the individual's allowable expenses exceed what the State agency will reimburse.

This communication should be documented in the case notes, including records of notices sent.

## **6.2 The Notice of Adverse Action (NOAA)**

The State agency must send a NOAA before applying the time limit. The NOAA must explain in clear and understandable terms that the individual is ineligible because they are subject to the 3-month ABAWD time limit and did not meet the ABAWD work requirement. The NOAA must also include the action the household must take to end the ineligibility (or regain eligibility), the benefit level of any remaining household members (if applicable), and other information normally required in the NOAA. The State agency must send the NOAA at least 10 days prior to the date the action takes effect on the case. This means that the State agency must send the NOAA in the time-limited participant's third countable month.

## **6.3 Reporting Requirements**

Time-limited participants must report whenever their work hours fall below 20 hours per week, averaged monthly. This means that if a time-limited participant was working 20 or more hours per week, averaged monthly (80 per month) and their work hours drop below that threshold, that the ABAWD must report the decrease in hours. The State agency cannot require ABAWDs to report hours every month. This applies to all reporting systems.

The State agency must inform time-limited participants of this reporting requirement at certification, recertification, and when the State agency transfers households to a new reporting system. Under simplified reporting, the State agency must explain this reporting requirement both orally and in writing. For other reporting systems, the State agency can meet this requirement by orally explaining the ABAWD reporting requirements (for example during the interview) and/or by providing the requirements in writing, but it is a best practice to do both.

## 7 Good Cause

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For time-limited participants who would have met the ABAWD work requirement but missed some hours for a good reason, the State agency must grant good cause and *not* consider the month a countable month. However, the absence from work, the work program, or workfare must be temporary. The State agency is responsible for determining good cause and documenting that decision in the case notes. FNS recommends documenting why good cause was granted.

### 7.1 Examples of Good Cause

Good cause includes circumstances beyond the person's control. Examples of good cause include, but are not limited to:



Illness or illness  
of another family  
member



Household emergency



No  
transportation

### 7.2 Difference Between ABAWD Good Cause and General Work Requirements Good Cause

The authority for the State agency to grant good cause for time-limited participants that do not meet the ABAWD time limit is distinct from the good cause provision for the general work requirements. However, if the State agency finds the time-limited participant has good cause for not meeting a mandatory SNAP E&T or workfare requirement, then the State agency would automatically grant good cause for not meeting the ABAWD work requirement, too, with one exception. The exception is if the good cause received for SNAP E&T is based on lack of an appropriate and available opening. The time-limited participant would not receive good cause for the ABAWD work requirement in this case because the time-limited participant has options other than SNAP E&T to fulfill the ABAWD work requirement.

## 8 Regaining Eligibility

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If a time-limited participant uses all three countable months and stops participating in SNAP, they may become eligible again for several different reasons. The State agency must consider these potential changes in reviewing any new application. For example, a change in the person's circumstances may make them exempt. Or the State agency may choose to grant a time-limited participant who reapplies but has used all three countable months with a discretionary exemption, or the time-limited participant may reside in an area that is approved for an ABAWD waiver. Individuals can reapply (or an ongoing household may request to add the person) at any time.

### 8.1 Regaining Eligibility and the Additional 3 Consecutive Countable Months

A time-limited participant that has used all three countable months and stops participating in SNAP can also regain eligibility by meeting the ABAWD work requirement for 30 consecutive days. In these instances, the State agency must consider a time-limited participant as having regained eligibility if the person met the work requirement over 30 consecutive days, even if the time-limited participant has since stopped working. In addition, at the State agency's option, if a person verifies that they will meet the ABAWD work requirement within the 30 days subsequent to application, the State agency can prospectively determine that the person will regain eligibility.

Additionally, if the time-limited participant regained eligibility by meeting the ABAWD work requirement for 30 consecutive days, then stops meeting the work requirement again, they are entitled to an additional set of three countable months starting when the State agency learned that they stopped meeting the ABAWD work requirement. However, these three additional months have strict limitations. They always run consecutively, meaning they cannot be used piecemeal or saved for the future. Also, they may only be received/used once in the 36-month period, even though there is no limit on how many times a time-limited participant could regain eligibility by again meeting the ABAWD work requirement and continuing to meet it on an ongoing basis. Please note, the three additional months only apply to time-limited participant that regain eligibility by meeting the ABAWD work requirement over 30 consecutive days—they do not apply to a time-limited participant that becomes eligible again for other reasons.

### 8.2 Example of Regaining Eligibility and the Additional 3 Consecutive Countable Months

Below is one example of how regaining eligibility and the additional three consecutive countable months can come into play. The example is based on a State agency that uses a universal fixed clock to measure the 36-month period. In this example, the time-limited participant regained eligibility by starting a job and reapplied for SNAP. Several other scenarios are also possible.

A time-limited participant uses their three countable months in May, June, and July of year one. The ABAWD starts a job and works 80 hours over 30 consecutive days in January of year three. The time-limited participant reapplies for SNAP in February of year three. The time-limited participant stops meeting the ABAWD work requirement in March of year three and reports it to the State agency. The State agency must give the time-limited participant the additional three consecutive countable months for March, April, and May of year three. In May of year there, the State agency sends the NOAA and terminates benefits effective June 1.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Year 1					1	2	3					
Year 2												
Year 3	N	R	A1	A2	A3							

Please see the key below for this table.

Indicator	Description
Blank Square	Not Participating in SNAP
Number 1, 2, or 3	Countable Months
R	Person reapplies for SNAP and is meeting the work requirement
N	Not on SNAP but met the ABAWD work requirement over 30 consecutive days
A1, A2, A3	Additional three consecutive countable months

## 9 Discretionary Exemptions

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The law provides the State agency with a limited number of discretionary exemptions that the State agency can use to extend eligibility for time-limited participants who are not meeting the ABAWD work requirement and do not live in an area with an ABAWD waiver. The State agency has great flexibility in applying discretionary exemptions. The State agency should consider maximizing use of available exemptions to prevent churn and to reduce administrative burden. Each exemption extends eligibility to one time-limited participant for one month.

The law provides a new allotment of discretionary exemptions to each State agency each year. FNS calculates this allotment based the instructions provided in the law. Starting in FY 2024 and each subsequent fiscal year, a change in law reduced the discretionary exemption calculation to eight percent of the total number of time-limited participants that were ineligible in the State due to the time limit in the preceding fiscal year.<sup>3</sup> FNS refers to these as the number of “earned” discretionary exemptions.

In FY 2024 and FY 2025, the State agency may use the discretionary exemptions they earn during the fiscal year and unused exemptions accumulated in prior years. In FY 2026 and subsequent years, the State agency may only carryover unused exemptions allotted from the prior fiscal year. For example, in FY 2025, the State agency will earn new exemptions for FY 2025 and can carryover their remaining unused exemptions from FY 2024. However, starting in FY 2026 the State agency will no longer be able to carryover unused discretionary exemptions. FNS encourages State agencies to evaluate their use of discretionary exemptions.

### 9.1 Available Discretionary Exemptions

FNS issues two memos each year reporting each State agency’s balance of discretionary exemptions.

**Fall Memo.** In the fall, FNS issues a memo with the number of new discretionary exemptions each State agency has earned for the new fiscal year. The State agency does not earn exemptions in areas with a waiver of the ABAWD time limit as of the preceding July 1.

**Spring Memo.** In the spring, FNS issues a memo with the total number of exemptions available to the State agency for the current fiscal year. FNS calculates the total number for each State agency by:

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<sup>3</sup> June 9, 2023 memo, “[SNAP Provisions in the Fiscal Responsibility Act.](#)”

1. Adding the new discretionary exemptions earned (based on the fall memo) to unused amounts carried over for FY 2024 and FY 2025. In FY 2026 and subsequent years, the State agency may only carryover unused exemptions allotted from the prior fiscal year; and
2. Subtracting the number of discretionary exemptions used in the preceding fiscal year.

The spring memo also provides adjustments to the totals if a State agency's caseload has increased by more than 10 percent. The spring memorandum does not subtract any discretionary exemptions used by the State agency in the current fiscal year.

## 9.2 Using Discretionary Exemptions

The State agency is responsible for developing policies that prevent overusing the limited number of exemptions they have available. The State agency must ensure policies are applied consistently in any given project area in the State. In addition, the State agency cannot discriminate on the basis of race, color, national origin, sex (including gender identity and sexual orientation), religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights. FNS recommends that the State agency consider granting discretionary exemptions to time-limited participants that face the barriers meeting the ABAWD work requirement. For example, time-limited participants who:

- Participate in a work program, but not for enough hours to meet the ABAWD work requirement;
- Live in remote or rural areas and lack access to transportation;
- Do not have a high school degree or a GED;
- Are not proficient in English.

The State agency can wait until a time-limited participant has used their three countable months before granting a discretionary exemption, or it can grant it before that point. Some State agencies strategically save discretionary exemptions, then use them to exempt all time-limited participants that live in an area where an ABAWD waiver recently expired.

## 9.3 Documenting Usage

The State agency must document usage of a discretionary exemptions in the case file prior to monthly quality control sample selections, and must track and report the amount of exemptions used on the [FNS-583 form](#) each quarter. FNS recommends that the State agency use a distinct code and create reports to track the use of discretionary exemptions. This facilitates reporting and ensures that the State agency only apply discretionary exemptions to time-limited participants subject to the time limit and consistent with State agency policy.

## 9.4 Overuse

If the State agency uses more discretionary exemptions than its allocation, including those carried over, FNS considers the benefits issued as unauthorized allotments. FNS issued [guidance](#) in Fiscal Year 2008 that details the actions the State agency must take in response to the overuse of discretionary exemptions. In instances where a State agency has issued more exemptions than its allotted amount, FNS will allow the State agency to deduct the overused exemptions from the subsequent year's allotment. If the State agency does not earn enough discretionary exemptions during the subsequent year to cover the overuse, FNS will bill the State agency for the unauthorized benefits it provided.

## 10 Waivers of the ABAWD Time Limit

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At the request of the State agency, FNS may approve the State agency to waive the time limit for a group of individuals in the State if FNS determines that the area in which the individuals reside has an unemployment rate of over 10 percent or a lack of sufficient jobs to provide employment for the individuals.

If the time limit is waived, time-limited participants are not required to meet the ABAWD work requirement in order to receive SNAP for more than three months in the 36-month period. However, even if the time limit is waived, time-limited participants remain subject to the general work requirements, since time-limited participants are work registrants and the general work requirements cannot be waived. FNS refers to these as “ABAWD waivers.”

ABAWD waivers are intended to help promote food security for time-limited participants who live in areas where there is high unemployment and/or lack of sufficient employment opportunities. Therefore, the State agency has a responsibility to assess unemployment rates and job availability across the State and in sub-State areas, such as counties and reservation areas, to determine whether waivers of the ABAWD time limit may be appropriate. See the [Guide to Supporting Requests to Waive the Time Limit for Able-Bodied Adults without Dependents](#) for detailed technical guidance on ABAWD waivers.

FNS publishes State agency requests to waive the ABAWD time limit, including supporting data, and the related agency waiver approvals for the public. This information is published at [ABAWD Waivers](#).



## 11 Pledge Funding

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The State agency has the option to pledge that it will offer and provide all “at-risk ABAWDs” an opportunity to participate in a qualifying work program or workfare to meet the ABAWD work requirement. “At-risk ABAWDs” are in their 3rd countable month. If the State agency is interested in making the pledge it must include a proposed plan in its SNAP E&T Plan. If FNS approves the State agency’s plan to offer and provide all “at-risk ABAWDs” an opportunity to participate in a qualifying work program or workfare, FNS will provide the State agency with additional funding. The law authorizes FNS to allocate a total of \$20 million annually to State agencies that make the pledge. More information and guidance are available in the [SNAP E&T State Plan Handbook](#).