



United States
Department of
Agriculture

MAR 18 2009

Food and
Nutrition
Service

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SUBJECT: Clarifications of the American Recovery and Reinvestment Act of 2009
Certification Provisions – ABAWDs and Additional Issues -- Questions
and Answers #5

TO: Regional Directors
Supplemental Nutrition Assistance Program (SNAP)
All Regions

The attached questions and answers are being reissued as set number 5. All other information remains the same as the Q&As issued as #4 on March 17, 2009. The attached questions and answers are in response to issues raised by the States, through various discussions, concerning SNAP provisions of the American Recovery and Reinvestment Act of 2009 (P.L. 111-5), which was enacted on February 17, 2009.

Please direct any questions to the appropriate regional contact in the Certification Policy Branch.


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Director
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Attachment

AN EQUAL OPPORTUNITY

The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

**Supplemental Nutrition Assistance Program (SNAP) and the American Recovery
and Reinvestment Act of 2009 (ARRA)**

Questions and Answers

Section 101(e) Treatment of Jobless Workers (ABAWDs)

Question 1. If a qualified slot is offered but the ABAWD establishes good cause in regard to 7 CFR 273.7, will this be taken as good cause for 7 CFR 273.24 as well?

Answer Yes. If the State agency determines good cause exists as provided for in 273.7(i)(2) and (3) for failure to comply with a work or workfare program than the individual has not failed to comply with a work or workfare program for purposes of Section 6(o) of the Food and Nutrition Act, and is, therefore, eligible.

Question 2. Under ARRA, are all ABAWD countable months erased effective October 1, 2010?

Answer Yes. Section 101(e)(2) of the ARRA requires that State agencies disregard any period during which an individual received SNAP benefits prior to October 1, 2010. The effect of this provision will be to clear all months of participation as of October 1, 2010 and to start new as of that date. This has implications under Federal Regulations at 7 CFR 273.24(b)(3) which allow States to have either a "fixed" or "rolling" clock method of measuring the three year period used for the ABAWD time limit. States that currently use a rolling clock method and look back retrospectively to determine ABAWD time limits will not be able to go back prior to October 1, 2010 under ARRA. Also, since ARRA does not allow State agencies to consider participation prior to October 1, 2010, States that currently use fixed periods can simply resume their previous fixed periods on October 1, 2010, however, the State cannot count months of participation that occurred during the fixed period prior to October 1, 2010 toward the ABAWD time limit.

Question 3. Can States that previously assigned short certification periods to households with ABAWDs now assign regular certification periods to households and/or place the household in simplified reporting?

Answer Yes. States that choose not to continue to offer a work program consistent with Section 6(o)(2)(B) or (C) of the FNA may lengthen certification periods consistent with Federal Regulations at 7 CFR 273.10(f)(5). States may also place such households in simplified reporting.

FNS does recommend that States consider establishing future certification periods that take into account ABAWD households when this provision of ARRA expires on September 30, 2010.

Question 4 If there is an ABAWD in an existing case who is currently disqualified for having exhausted the time limit, would that person become eligible on April 1, 2009 under ARRA?

Answer Yes. ABAWDs currently disqualified as a result of having met the time limit under Section 6(o) who are part of an ongoing SNAP household will regain SNAP eligibility as of April 1, 2009 under ARRA if they are otherwise eligible. The State agency must provide benefits for this individual to the household for April 2009. If States cannot provide benefits as of the April 2009 issuance, it must provide a restoration of lost benefits consistent with Federal Regulations at 7 CFR 273.17.

Question 5. Since a new clock starts for all ABAWDs on October 1, 2010, will FNS send waiver request materials in July 2010 to State agencies to be submitted by August 2010 for October 2010 implementation?

Answer FNS will work with the State agencies to formulate guidance for submitting ABAWD waiver requests to be effective October 1, 2010. FNS will provide guidance to allow sufficient time for States to submit their requests and receive FNS approval prior to this date.

Additional Questions and Answers

Question 1. Will the one-time SSI/SSDI payment provided under ARRA be counted as income for SNAP?

Answer Section 2201 of the ARRA exempts certain one time payments to SSI/SSDI, Railroad Retirement and Veterans from being counted as SNAP income and exempts such payments from being counted as a resource for the month of receipt and the following nine months.

Question 2. Will SNAP count the \$25 weekly increase in unemployment compensation benefits provided under ARRA as income?

Answer The unemployment benefit increase is countable as income for SNAP purposes, though ARRA exempts this income for Medicaid and SCHIP. Although SNAP rules allow States to conform rules for counting income between SNAP and these programs, they specifically do not allow SNAP to exclude regular unemployment benefit payments, even if these payments are exempt under other programs.

Question 3. If a State agency implements the SNAP benefit increase as a mass change for some households, but does not do it for all households, is the benefit increase considered to be implemented for those households that are not included in the mass change, but instead receive the increase via a supplement at a later date?

Answer No. Under ARRA, the SNAP benefit increases are considered a mass change which shall be implemented for all households at a specific point in time. Households are entitled to see the increases on their normal April issuance date.