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SUBJECT: Supplemental Nutrition Assistance Program – Expiration of Statewide
ABAWD Time Limit Waivers

TO: Regional Directors
Supplemental Nutrition Assistance Program
All Regions

Section 6(o) of the Food and Nutrition Act of 2008 limits able-bodied adults without
dependents (ABAWD) eligibility for the Supplemental Nutrition Assistance Program
(SNAP) to 3 months in any 36-month period, unless the individual meets the ABAWD
work requirement or is otherwise exempt. The law also provides that States may
qualify to temporarily waive the 3-month time limit in areas with high unemployment
or depressed labor markets.

Since the 2008 economic crisis, the majority of States have operated under Statewide
ABAWD time limit waivers. However, as the economy continues to recover, few
States are anticipated to be eligible to extend their Statewide waivers beyond calendar
year 2015. Therefore, the vast majority of currently active Statewide ABAWD time
limit waivers will expire within the next 10 months. When these waivers expire,
States will be required to immediately re-establish the time limit for all ABAWDs
subject to the time limit. While States may continue to request ABAWD time limit
waivers for any areas of the State that may be eligible, it is imperative that they
prepare to transition off of Statewide waivers. States that fail to prepare risk
providing benefits to individuals who have become ineligible due to the time limit,
resulting in potential overpayments and Quality Control errors.

Based upon lessons learned from the small number of States that have already
transitioned off of Statewide ABAWD time limit waivers and have re-established the
time limit, the Food and Nutrition Service (FNS) would like to clarify and emphasize
the fundamental policies that State agencies must follow when a Statewide waiver
expires or is not extended.

1. **State agencies must identify all ABAWDs subject to the time limit.** Prior
to waiver expiration, States must review case file information to identify
individual ABAWDs and determine whether or not the ABAWD is subject to
the time limit. ABAWDs are subject to the time limit if they are not fulfilling
the ABAWD work requirement at 7 CFR 273.24(a)(1) or do not meet an
exemption from the ABAWD time limit listed at 7 CFR 273.24(c). State
agencies should be informing all potential ABAWD households of the
ABAWD time limit, exemption criteria, and fulfillment of the ABAWD work
requirement at certification, periodic report, and recertification. FNS strongly
encourages States to provide an additional notice to all ABAWDs subject to
the time limit at least 30-days prior to waiver expiration.

2. **State agencies must be prepared to measure and track the 36-month period for all ABAWDs.** Prior to waiver expiration, States must ensure that the 36-month clock by which they will track ABAWD participation is operational. States may use a rolling clock or a fixed clock. If the State uses a fixed clock, it may apply the same 36-month time period to all ABAWDs or may apply individual 36-month time periods to individual ABAWDs. States have discretion concerning which clock is used, provided that the policy is applied consistently across the State. States that have experienced a lapse in tracking the 36-month period while operating under a Statewide ABAWD waiver for multiple years should evaluate which tracking method will best suit their current eligibility system and contact FNS for technical assistance.

3. **When the Statewide waiver expires, the 3 in 36-month time limit takes effect immediately.** State agencies are required to re-establish the time limit for all ABAWDs subject to the time limit immediately upon waiver expiration. This means that ABAWDs who are not fulfilling the work requirement or are not otherwise exempt would accrue their first countable month for the month immediately following waiver expiration, regardless of the type of reporting system or certification period length the State agency assigns to ABAWDs. Unless exempting the ABAWD using available 15 percent exemptions, States cannot phase-in or postpone the application of the time limit by waiting until the next contact with the ABAWD (e.g. periodic report or recertification) to review household circumstances. State agencies should consider the time limit in assigning reporting systems and certification period lengths to ABAWD households and potential ABAWD households.

4. **States that use 15 percent exemptions to extend ABAWD eligibility must document the action in the case file.** States have discretion to apply 15 percent exemptions as they see fit and should consider using them as they transition off of a Statewide waiver. In fact, States with a sufficient number of 15 percent exemptions may use them to exempt all ABAWDs from the time limit until the next contact with the household. However, the application of each 15 percent exemption must be documented in the case file. For example, a 15 percent exemption applied to an ABAWD for the month of March must be documented in the ABAWD's case file for the month of March. States that fail to document the usage of individual 15 percent exemptions in the case file risk Quality Control errors and exemption overuse. For Quality Control purposes, the exemption must be documented prior to monthly sample selection.

We encourage States to contact FNS with any questions and for additional technical assistance as they prepare for the expiration of their respective Statewide ABAWD time limit waivers. States should continue to use the Guide to Serving ABAWDs Subject to Time-Limited Participation available at http://www.fns.usda.gov/node/9310, which

provides detailed guidance concerning ABAWD policy and the transition off of a Statewide time limit waiver. If you have any questions concerning this memorandum, please contact Casey McConnell at casey.mcconnell@fns.usda.gov.

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