

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES  
BISMARCK, NORTH DAKOTA  
November 16, 2020**

**IM 5415**

**TO:** Human Service Zones  
Economic Assistance Policy Division

**FROM:** Michele Gee, Director, Economic Assistance

**SUBJECT:** Able Bodied Adults Without Dependents (ABAWDS)

**PROGRAMS:** Supplemental Nutrition Assistance Program

**EFFECTIVE:** Immediately

**SECTIONS  
AFFECTED:** 430-05-40-50 Able-bodied Adults Without Dependents  
(ABAWDS)  
430-05-40-50-05 ABAWD Exemptions from Work  
Requirements  
430-05-40-50-27 Extended Three Month Benefit Period

These sections are being updated to reflect policy verbiage changes only as recommended by USDA – Food and Nutrition Services.

**Able-bodied Adults Without Dependents (ABAWD) 430-05-40-50**

An ABAWD is an individual ~~between the ages of 18 and 50~~ through 49 who is able to work and has no children under 18 years of age in their SNAP household. An individual is not considered an ABAWD until the month following their 18th birthday and is no longer considered an ABAWD the month they turn age 50.

ABAWDS who are not exempt from the ABAWD provisions are only entitled to three months of benefits (consecutive or otherwise) during a 36 month period.

A household containing an individual who is not exempt from the ABAWD provisions must be assigned a 6-month review period, however, the individual is only eligible for a maximum of three ABAWD months or the extended three month benefit period.

Prorated, zero benefit months or months where a recoupment occurs resulting in the household not receiving a full benefit amount, will not count as an ABAWD month.

When an ABAWD received NE non-exempt or EE extended months in error the months must be manually removed as countable months.

**Example:**

**Single individual applies for SNAP on March 15 and is not exempt from the ABAWD requirements. Application is approved for March as a prorated month and April, May and June as NE months. Case is close the end of June for failure to comply with ABAWD requirements.**

**In December, the worker discovers the household was employed at the time of application working 40 hours a week with income resulting in total overpayments. April, May and June must be removed as countable months as this individual would have been exempt from the work requirements.**

## **ABAWD Exemptions from Work Requirements 430-05-40-50-05**

~~An ABAWD is an individual between the ages of 18 and 50 who is able to work and has no children less than 18 years of age in their SNAP household. An individual is not considered an ABAWD until the month following their 18th birthday and is no longer considered an ABAWD the month they turn age 50.~~

An ABAWD who meets one of the following is exempt from the ABAWD provisions and not subject to limited benefits.

Verification of work hours is mandatory for items 5, 6 and 7.

1. Exempt from the SNAP work requirements.

ABAWDS exempt from ABAWD provisions based on the SNAP work requirement exemption for working 30 hours or more per week are also coded as exempt.

2. All adult household members are exempt any time there is a child under the age of 18 in the same SNAP household.

**Example:**

A five-person SNAP household consists of mom, dad, child under the age of 18, an aunt to the child, and an unrelated adult. All four adults are exempt.

3. State ~~12%~~ **discretionary** exemption criteria.
4. A pregnant woman. Client statement is acceptable.
5. Working at least 20 hours per week averaged monthly (regardless of the hourly wage) but less than 30 hours or more per week. This includes volunteer and in-kind work where an individual is not paid.

Volunteer work is when arrangements have been made with a school, hospital, public service agency, library, nursing home, church or other community organizations.

In-kind work is when an individual works in exchange for goods or services.

This **does not include** court ordered community services or work done for family members or friends when the individual is not paid.

**Example:**

An individual managing an apartment building in exchange for free or reduced rent.

6. Participating in (and complying with) a work program of 20 hours or more per week averaged monthly. Work program means:
  - a. A program under the Workforce Investment Act of 1998 (WIA), this is administered by Job Services and can be verified by contacting that office. This includes the WIA administered by

the Tribes as long as it meets the 20 hour or more per week averaged monthly requirement. (JT)

- b. A program under Section 236 of the Trade Act of 1974 (Trade Adjustment Assistance Act Program). This is administered by Job Services and can be verified by contacting that office. (TA)
- c. An Employment and Training Program containing components other than job search or job search training.

**NOTE: ABAWDS participating in a SNAP Employment and Training program enrolled in the education/vocational training or job retention components may meet this requirement.**

**ABAWDS participating in a SNAP Employment and Training program may not meet the requirement if enrolled in only the job search training or job search components. However, the requirement may be met if they are enrolled in one of these components in addition to the above.**

- 7. Any combination of paid, volunteer, in-kind work, or work programs that equals 20 hours per week averaged monthly.

An ABAWD exempt from the ABAWD provisions for working an average of 20 hours or more per week is required to report if their hours fall below 20 hours per week. This includes ABAWDS exempt from the SNAP work requirement for working 30 hours or more per week.

If an individual is exempt from the ABAWD provisions at initial application or review the individual remains exempt from the ABAWD provisions until the next review.

**Exceptions:**

**1. Individuals exempt due to working 20 hours or more per week averaged monthly who report their work hours have fallen below 20 hours.**

**2. When the household reports a loss of an exemption for an individual determined to be exempt at application or review.**

### **3. An individual will lose exempt status during the review period and it is known to the agency.**

An individual exempt from the ABAWD provisions at initial application or review is required to work register if the following occurs:

1. The household reports they are no longer working 20 or more hours per week averaged monthly but less than 30 hours per week.
2. A loss of an exemption is reported, even if the household is not required to report.
3. It is known to the agency the exemption will end.

If an individual is not exempt from the ABAWD provisions at initial application or review and the individual reports an exemption while receiving benefits, the individual must be made exempt in the month in which the exemption occurred and the countable month removed.

#### **Example:**

**Individual applies on March 1st and is a non-exempt ABAWD. March is a countable ABAWD month. April 10th the individual reports that they are pregnant and therefore exempt from ABAWD provisions. The exemption needs to be applied for the month of April and the countable month removed for April.**

### **Extended Three Month Benefit Period 430-05-40-50-27**

Once an ABAWD has received the three ABAWD months, extended benefits may be granted for three full consecutive months if the individual has regained eligibility and stopped being able to meet the work requirements while on SNAP.÷

Eligibility for the extended three months can be determined by the following:

1. If the individual regains eligibility and are no longer working 20 hours or more per week or;

2. If the individual reapplies, is not exempt and has not voluntarily quit a job without good cause within the 30 days prior to the date of initial application, and the individual meets one of the following:

- Worked 80 hours or more in any 30 consecutive day period.

Work can include volunteer or in-kind work.

Volunteer work is when arrangements have been made with a school, hospital, public service agency, library, nursing home, church or other community organizations.

In-kind work is when an individual works in exchange for goods or services.

This does not include court ordered community services or work done for family members or friends when the individual is not paid.

**Example:**

**An individual managing an apartment building in exchange for free or reduced rent.**

- Participated in and complied with the requirements of a work program for 80 hours or more in any 30 consecutive day period. Work program means:
  - a. A program under the Workforce Investment Act of 1998 (WIA), this is administered by Job Services and can be verified by contacting that office. This includes the WIA administered by the Tribes as long as it meets the 20 hour or more per week averaged monthly requirement.
  - b. A program under Section 236 of the Trade Act of 1974 (Trade Adjustment Assistance Act Program). This is administered by Job Services and can be verified by contacting that office.
  - c. An Employment and Training Program containing components other than job search or job search training.

NOTE:

ABAWDS participating in a SNAP Employment and Training program enrolled in the education/vocational training or job retention components may meet this requirement.

ABAWDS participating in a SNAP Employment and Training program may not meet the requirement if enrolled in only the job search training or job search components. However, the requirement may be met if they are enrolled in one of these components in addition to the above.

The BEST program would not meet this requirement as the only components offered are job search and job search training.

- Any combination of paid, volunteer, in-kind work, or work programs for 80 hours or more in any 30 day consecutive period.

A 30-day period means any 30 consecutive days since the individual was closed or denied for failure to comply with the ABAWD requirements or failed to file a review. It does not have to be a calendar month - it may be a combination of two months.

The extended three month benefit period can only be approved once in a 36-month period. The three months run consecutively. Once approved, the individual has received the extension regardless of whether they receive benefits for all three months. Case closings, disqualifications or zero benefits will not stop the three month count.

**Examples:**

- 1. An individual received the three ABAWD months in April, May and June and the case closed June 30 for failure to comply with the ABAWD work requirements. On August 16, the individual reapplies and verifies having worked 80 hours in a consecutive 30 days and lost the employment through no fault of their own. This individual is eligible for the extended three-month benefit period, September, October,**

**and November. August does not count as one of the three months due to proration.**

- 2. An individual received the three ABAWD months in April, May and June and closed June 30 for failure to comply with the ABAWD work requirements. On August 16, the individual reapplies and verifies having worked 80 hours in 30 days and lost the employment through no fault of their own. This individual is eligible for the extended three-month benefit period, September, October, and November.**

**On September 10 the individual reports new employment and income that exceeds the GIL, they expect the income to continue and their case closed September 30 for excess income. Even though the individual is no longer receiving benefits, the extended three month benefit period continues through the month of November. This individual would not be eligible for an additional extended ABAWD three-month benefit period during this individual's 36-month period.**

- 3. A single individual who is not exempt from the ABAWD requirements applies and is certified for six months. The case is closed for non-compliance with ABAWD requirements at the end of the third NE month. The individual reapplies after starting a job working an average of 20 hours per week and regaining eligibility (meeting the 80 hours of work in a 30 day period). Sometime later during the review period, the individual is laid off by the employer. This individual can receive the three EE months before case closure.**