



FAMILY INDEPENDENCE ADMINISTRATION

Seth W. Diamond, Executive Deputy Commissioner




James K. Whelan, Deputy Commissioner
Policy, Procedures and Training

Lisa C. Fitzpatrick, Assistant Deputy Commissioner
Office of Procedures

POLICY BULLETIN #06-78-OPE

REVISIONS TO ABAWD FORMS

<p>Date: May 30, 2006</p>	<p>Subtopic(s): Forms</p>
<p> This procedure can now be accessed on the FIAweb.</p>	<p>The purpose of this policy bulletin is to inform all Job Center and Non-Public Assistance (NPA) Food Stamp (FS) Office staff of the recent changes regarding Able Bodied Adult Without Dependents (ABAWD) forms.</p> <p>The Call-In Letter for an Able-Bodied Adult Without Dependents (ABAWD) (W-138E) and the Food Stamp Work Rules and Exemptions Desk Guide ABAWD Work Requirements (W-138G) have been amended to reflect an increase in required work hours.</p> <p>The second bullet of each form was changed to read:</p> <ul style="list-style-type: none"> • “Participate in work activities for 80 hours a month, which must include work experience and other appropriate Food Stamp Employment and Training (FSET) activities as assigned.” <p>In the “ES Code WA” section of the W-138G, the second bullet was changed to read:</p> <ul style="list-style-type: none"> • “A person under 18 years or 50 years of age or older.” <p>In addition, a new third bullet was added, which reads:</p> <ul style="list-style-type: none"> • “A person unable to work in competitive employment for at least 80 hours per month due to a physical or mental limitation.” <p>The Spanish translation of the W-138G, which appeared on the reverse side of the form, has been eliminated as this form is to be used exclusively by Workers.</p>

HAVE QUESTIONS ABOUT THIS PROCEDURE?
Call 718-557-1313 then press 2 at the prompt followed by 765 or
send an e-mail to *FIA Call Center*

The multilingual equivalents of the **W-138E** will be revised and distributed under separate cover.

Center Directors/Office Site Managers must ensure that all prior versions of the **W-138E** and **W-138G**, including the multilingual versions of the **W-138E**, are removed from circulation and recycled.


Effective Immediately

References:

18 NYCRR § 385

Attachments:

- W-138E** Call-In Letter for an Able-Bodied Adult Without Dependents (ABAWD) (Rev. 5/30/06)
- W-138E (S)** Call-In Letter for an Able-Bodied Adult Without Dependents (ABAWD) (Spanish) (Rev. 5/30/06)
- W-138G** Food Stamp Work Rules and Exemptions Desk Guide ABAWD Work Requirements (Rev. 5/30/06)

 Please use Print on Demand to obtain copies of forms.



Date: _____
Case Number: _____
Case Name: _____
Center: _____
Caseload: _____
Action Code: _____

Call-In Letter for an Able-Bodied Adult Without Dependents (ABAWD)

As an Able-Bodied Adult Without Dependents (ABAWD) in receipt of food stamps, you are required to:

- Work (including "in-kind" work and volunteer work) for a total of 80 hours per month; or
- Participate in work activities for up to 80 hours per month, which must include work experience and other appropriate Food Stamp Employment and Training (FSET) activities as assigned; or
- Receive and fully comply with a Work Experience Program (WEP) assignment.

Therefore, we have scheduled a **mandatory** appointment for you to verify that you are meeting your ABAWD Food Stamp work requirements. Your appointment is indicated below. Please come on time.

Appointment Date: _____ Time: _____ Telephone: _____

Location Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Travel Directions:

Please bring this letter with you. If you are working, you must bring proof of earnings to your appointment. If you believe that you cannot participate in a work activity, bring documentation that supports your claim, such as medical reports, a school attendance letter, etc. You may be referred for a medical examination if you claim you are medically unable to work.

If you feel that you have been incorrectly identified as a person without dependents, please keep this appointment, bringing with you appropriate documentation to identify the dependent member(s) of your household.

If you are already participating in a work activity to which we referred you, bring a note from the program.

If you have any questions, call us before the date of your appointment at _____.
(telephone number)

This is a mandatory engagement appointment. Failure to keep this appointment may result in the sanction of your public assistance and/or Food Stamp case.



Fecha: _____
Número del Caso: _____
Nombre del Caso: _____
Centro: _____
Unidad de Casos: _____
Código de Acción: _____

Carta de Aviso de Cita para Adulto Sano Sin Dependientes (Able-Bodied Adult Without Dependents – ABAWD)

Por ser un Adulto Sano Sin Dependientes (ABAWD) que recibe cupones para alimentos, se requiere que usted:

- Esté trabajando (incluidos el trabajo a cambio de servicios y de voluntario) por un total de 80 horas al mes; o
- Esté participando en actividades de trabajo hasta 80 horas al mes, lo que debe incluir experiencia de trabajo al igual que otras actividades apropiadas de Empleo y Capacitación de Cupones para Alimentos (Food Stamp Employment and Training – FSET) tal como asignadas; o
- Reciba y cumpla cabalmente con una asignación del Programa de Experiencia Laboral (Work Experience Program – WEP).

Por lo tanto, le hemos programado una cita **obligatoria** para que usted establezca que está cumpliendo los requisitos de trabajo de Cupones para Alimentos de ABAWD. Su cita aparece indicada más abajo. Favor de comparecer a tiempo.

Fecha de la Cita: _____ Hora: _____ Teléfono: _____

Local: _____

Dirección: _____

Ciudad: _____ Estado: ____ Código Postal: _____

Indicaciones de Viaje:

Favor de traer esta carta con usted. Si usted está trabajando, debe traer comprobante de sus ingresos a la cita. Si cree que no puede participar en una actividad de trabajo, traiga documentación que sirva para respaldar su alegación, como un informe médico, una carta de asistencia escolar, etc. Puede que se le envíe a un examen médico si alega estar médicamente incapacitado para trabajar.

Si considera que ha sido indebidamente identificado como una persona sin dependientes, favor de comparecer a esta cita y traiga consigo toda la documentación apropiada que identifique a el/los miembro(s) dependiente(s) en su hogar.

Si ya está participando en una actividad de trabajo a la cual le hayamos enviado, traiga una nota de parte del programa.

Ante cualquier duda, llámenos antes de la fecha de su cita al _____.

(número de teléfono)

Esta cita de participación es obligatoria. El no acudir a ella puede resultar en la sanción de su caso de asistencia pública y/o de Cupones para Alimentos.



Food Stamp Work Rules and Exemptions Desk Guide ABAWD Work Requirements

Able-Bodied Adults Without Dependents (ABAWDs) may not receive food stamps for more than three (3) months (any three [3] months) within the most recent 36-month period* UNLESS they have been engaged for all but those three (3) months in one (1) of the following:

- Work (including "in-kind" work and volunteer work) for a total of 80 hours per month. There is no hourly wage requirement, but the work performed must not violate any State or Federal law or regulation; or
- Participate in work activities for 80 hours a month, which must include work experience and other appropriate Food Stamp Employment and Training (FSET) activities as assigned; or
- Assignment to and full compliance with a Work Experience Program (WEP) assignment.

An individual who becomes ineligible for food stamps after failing to meet ABAWD requirements may reestablish eligibility by indicating that s/he will meet the ABAWD requirements within 30 days following an application or prior to the effective date of an adverse action by doing the following:

- Verifying that s/he will work 80 hours in a consecutive 30-day period (e.g., new job start); or
- Participating in a 30-day job search, followed by WEP as assigned; or
- Working or participating in a qualifying work activity for 80 hours in a 30-day period.

Individuals exempt from ABAWD work requirements are listed below. Those defined in section heading ES Code WE are exempt from ABAWD rules and from FSET work registration.

Those defined in section heading ES Code WA are exempt from ABAWD work rules, but not exempt from FSET work registration. Individuals between 18 and 49 years of age who do not fall into one of the two categories are ABAWD work required, ES Code WR.

***Note:** You may not go back beyond March 1, 1999 (the date the policy took effect in the City of New York).

ES Code WE[†] (Work Registration Exempt, Not Work Required Under ABAWD or Regular FSET Rules)

- A person younger than 16 years of age or 60 years of age or older.
- A person medically verified as being physically or mentally unable to work.
- A person 16 or 17 years of age who is attending school or an employment training program on at least a half-time basis.
- A parent, guardian or any adult responsible for the care of a child under the age of six (6) years.
- A parent or other household member needed in the home to care for an incapacitated person.
- A student enrolled at least half time in any recognized school, training program or institution of higher education, provided s/he has met the student eligibility criteria for Food Stamp participants.
- A recipient of, or applicant for, unemployment compensation if s/he was required to register for work as part of the application process.
- A participant in a drug or alcohol treatment program who has been deemed unable to work or is otherwise engaged in a substance abuse treatment program to the extent that the assignment of work activities is impractical.
- A person employed 30 hours per week or receiving weekly earnings equal to the Federal minimum wage multiplied by 30 hours.
- A person also applying for food stamps and Social Security Supplemental Income (SSI) under joint processing provisions until the individual is determined eligible for SSI and thereby remains exempt from Food Stamp work rules. However, such a person determined ineligible for SSI would have to have a redetermination of work registration status.
- A person who is already complying with TANF work rules.
- A refugee participating at least half time in a program approved or funded by the Federal Office of Refugee Resettlement.

ES Code WA (Work Required Under Regular FSET Work Registration Rules; Not Under ABAWD Requirements)

- A person between 16 and 18 years of age not attending school or an employment training program on at least a half-time basis.
- A person under 18 years or 50 years of age or older.
- A person unable to work in competitive employment for at least 80 hours per month due to a physical or mental limitation.
- All adults residing in a Food Stamp household containing a child who has not yet reached his/her 18th birthday, including a parent and any adult, regardless of responsibility.
- A pregnant woman as documented by a physician, regardless of the month of pregnancy.

[†]Persons in receipt of a NYC ABAWD exemption due to the World Trade Center collapse or Flight 587 crash also qualify as ES Code WE.