



# FAMILY INDEPENDENCE ADMINISTRATION

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## POLICY BULLETIN #11-07-ELI

*(This Policy Bulletin Replaces PB #10-116-ELI and Obsoletes PB #03-163-OPE)*

### REVISIONS TO THE NOTICE OF ABLE-BODIED ADULT WITHOUT DEPENDENTS (ABAWD) STATUS (FIA-1021)

<b>Date:</b> January 25, 2011	<b>Subtopic(s):</b> Mailing
<p> This procedure can now be accessed on the FIAweb.</p>	<p>The purpose of this policy bulletin is to inform Job Center and Non Cash Assistance Food Stamp (NCA FS) Center staff that the Notice of Able-Bodied Adult Without Dependents (ABAWD) Status (<b>FIA-1021</b>) has been renumbered in accordance with the new Human Resources Administration (HRA) form numbering system.</p> <p>Additionally, the following updates have been made to Form <b>FIA-1021</b>:</p> <ul style="list-style-type: none"> <li>• An “Applicant/Participant Name” field has been added to the upper right hand corner.</li> <li>• The “What does this mean he/she has to do?” section reads as follows:             <ul style="list-style-type: none"> <li>▪ The title of the section has been renamed “What does this mean you have to do?”.</li> <li>▪ The first bullet now reads “Work (including “in-kind” work and volunteer work) for a total of at least 80 hours per month. There is no hourly wage requirement, but the work performed must not violate any State or Federal law(s) and/or regulation(s).”</li> <li>▪ The second bullet now reads “Participate in a work program approved by the Human Resources Administration for at least 80 hours per month.”</li> <li>▪ A third bullet has been added which reads “Comply with a Work Experience Program (WEP) assignment.”</li> </ul> </li> </ul>

HAVE QUESTIONS ABOUT THIS PROCEDURE?  
Call 718-557-1313 then press 3 at the prompt followed by 1 or  
send an e-mail to *FIA Call Center Fax* or fax to: (917) 639-0298

Form **FIA-1021** informs Food Stamp (FS) applicants/participants who have been identified as Able-Bodied Adults without Dependents (ABAWDs) of their responsibility to comply with certain eligibility requirements. This form also provides a list of criteria for exemption from these eligibility requirements. Failure to comply with ABAWD requirements without good cause may result in a loss of FS benefits.

Workers must print Form **FIA-1021** from FileNet until it has been uploaded to POS.

FS applicants/participants who have been identified as ABAWDs must be provided with a copy of Form **FIA-1021** whenever a determination of FS eligibility is made. This form must also be sent to each household member who has been identified as an ABAWD. Workers must be sure to print and mail a copy of Form **FIA-1021** to all persons who complete their application/recertification interviews by telephone.

Whenever a determination of FS employment status is made while the applicant/participant is in the Center, Form **FIA-1021** must be manually printed and given to him/her on the same day.


In Job Centers, the JOS/Worker or Separate Determination Liaison must mail Form **FIA-1021** to ABAWDs who have been determined ineligible for Cash Assistance, but have been deemed eligible for FS after a separate determination. Form **FIA-1021** must be sent on the same day that the separate determination is made.

Samples of the revised form are attached.

*Effective Immediately*

**Attachments:**

- FIA-1021 (E)** Notice of Able-Bodied Adult Without Dependents (ABAWD) Status
- FIA-1021 (S)** Notice of Able-Bodied Adult Without Dependents (ABAWD) Status (Spanish)

 Please use Print on Demand to obtain copies of forms.

Date: \_\_\_\_\_  
Case Number: \_\_\_\_\_  
Center: \_\_\_\_\_  
Applicant/  
Participant Name: \_\_\_\_\_

## Notice of Able-Bodied Adult Without Dependents (ABAWD) Status

The Human Resources Administration (HRA) has determined that you are an Able-Bodied Adult without Dependents (ABAWD) because you are subject to Food Stamp work rules and you are:

- between the ages of 18 and 49;
- not pregnant;
- not the parent or other adult member of a Food Stamp household that contains a child under 18 years of age; and
- medically fit for employment.

### What does this mean you have to do?

As a condition of Food Stamp eligibility you must comply with the requirements listed below. Failure to comply with these requirements without good cause may result in the loss of Food Stamp Benefits until eligibility has been re-established. As an ABAWD, you will lose eligibility for food stamps if for more than three (3) months in every thirty-six (36) months you do not perform one of the following:

- Work (including "in-kind" work and volunteer work) for a total of at least 80 hours per month. There is no hourly wage requirement, but the work performed must not violate any State or Federal law(s) and/or regulation(s).
- Participate in a work program approved by the Human Resources Administration for at least 80 hours per month.
- Comply with a Work Experience Program (WEP) assignment.

### Do you think you are exempt from the ABAWD status?

Please contact your Food Stamp Center if you believe that you are exempt from these requirements because you are:

- A person under 18 years of age, or 50 years of age or older; or
- An adult in a Food Stamp household with a child under 18 years of age; or
- A caretaker of incapacitated persons; or
- A pregnant woman; or
- Medically certified as physically or mentally unable to be employed; or
- Participating in a drug/alcohol treatment or rehabilitation program and deemed unable to work; or
- A recipient of Unemployment Insurance Benefits (UIB), or applicant for unemployment compensation and required to register for work as part of the application process; or
- A student enrolled at least half-time in any recognized school, training program, or institution of higher education, provided you have met the student eligibility criteria for food stamps; or
- An applicant for SSI and food stamps until deemed eligible or ineligible for SSI; or
- Employed or self-employed for a minimum of 30 hours per week or receiving wages equal to the Federal minimum wage times 30 hours per week.

### **What happens if you become ineligible?**

If you become ineligible for food stamps after failing to meet ABAWD requirements, you may re-establish eligibility by meeting 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 you will participate in a qualifying activity for at least 80 hours in a consecutive 30-day period (e.g., new job start); or
- Participating in a 30-day job search, followed by WEP activities as assigned; or
- Working or participating in a qualifying work activity for at least 80 hours in a 30-day period.

You would then be expected to continue to work or participate in a work program in order to continue to receive food stamps.

HRA will make a qualifying work activity or training opportunity available to you upon request, so that you may remain eligible for food stamps beyond the three-month limit.

If you re-establish food stamp eligibility within 30 days of complying with ABAWD requirements and subsequently lose your job/work assignment, you will be eligible to receive food stamps for an additional three-month period. This "grace" period begins the month following the month that you stop working or participating in a work program.

SAMPLE

Fecha: \_\_\_\_\_

Número del Caso: \_\_\_\_\_

Centro: \_\_\_\_\_

Nombre del Solicitante/  
Participante: \_\_\_\_\_

## Aviso de Estado de Adulto Sano Sin Dependientes (ABAWD)

La Administración de Recursos Humanos (HRA) ha determinado que usted es un Adulto Sano sin Dependientes (ABAWD) porque está sujeto a los reglamentos de empleo de Cupones para Alimentos y usted es:

- una persona entre las edades de 18 y 49 años;
- no está embarazada;
- no es padre u otro adulto miembro de un hogar de Cupones para Alimentos con un niño menor de 18 años de edad; y
- apto físicamente para trabajar según comprobante médico.

### ¿Qué tiene que hacer usted?

Como condición de elegibilidad de Cupones para Alimentos, usted tiene que cumplir los requisitos citados abajo. El incumplimiento de estos requisitos ~~sin causa válida puede resultar~~ en la pérdida de beneficios de Cupones para Alimentos hasta que la elegibilidad sea establecida de nuevo. Como ABAWD, usted perderá la elegibilidad de cupones para alimentos, si, por más de tres (3) meses en cada treinta y seis (36) meses usted no realiza uno de los siguientes:

- Trabajar (incluidos trabajo "a cambio de servicios" y trabajo voluntario) por un total de por lo menos 80 horas al mes. No existe ningún requisito de sueldo por ahora, pero el trabajo realizado no debe desacatar las leyes o reglas Estatales o Federales y/o reglamento(s)
- Participar en un programa de trabajo aprobado por la Administración de Recursos Humanos por lo menos 80 horas al mes.
- Cumplir con la asignación del Programa de Experiencia Laboral (WEP).

### ¿Cree usted que está exento(a) del estado de ABAWD?

Por favor comuníquese con su Centro de Cupones para Alimentos si cree que usted está exento de estos requisitos porque usted es:

- Una persona de 18 años o de 50 años de edad o mayor; o
- Un adulto de un hogar que recibe Cupones para Alimentos con un niño menos de 18 años de edad; o
- Un proveedor de cuidado a personas incapacitadas; o
- Una mujer embarazada; o
- Una persona no apta física o mentalmente para desempeñar trabajo según comprobante médico; o
- Participa en algún tratamiento de droga/alcohol o programa de rehabilitación y que se determine que no esté en condiciones para trabajar; o
- Un beneficiario de Seguro de Desempleo (UIB), o solicitante de compensación de desempleo a quien se requiere se registre para trabajar como parte del proceso de solicitud; o
- Un(a) estudiante inscrito(a) por lo menos a tiempo parcial en cualquier centro educativo reconocido, programa de capacitación, o universidades, siempre que haya reunido los requisitos de elegibilidad para cupones para alimentos; o
- Un solicitante de SSI y cupones para alimentos hasta que sea considerado elegible o inelegible para recibir SSI; o
- Está empleado o trabaja por cuenta propia un mínimo de 30 horas por semana o esté recibiendo un sueldo equivalente a la tasa del sueldo Estatal/Federal de 30 horas por semana.

### ¿Qué pasa si usted pierde su elegibilidad?

Si después de no cumplir los requisitos de ABAWD, usted pierde la elegibilidad para cupones para alimentos, usted podría restablecer la elegibilidad cumpliendo los requisitos ABAWD dentro de 30 días después de presentar solicitud, o antes de la fecha de vigencia de la acción adversa, haciendo lo siguiente:

- Comprobando que usted participará en una actividad acreditable durante por lo menos 80 horas en un período de 30 días consecutivos (p.ej., comienzo de nuevo trabajo); o
- Participando en una búsqueda de trabajo de 30 días, seguida por actividades del Programa de Experiencia Laboral (Work Experience Program – WEP) según asignadas; o
- Trabajando o participando en una actividad de trabajo acreditable por lo menos 80 horas en un período de 30 días.

Posteriormente usted deberá seguir trabajando o participando en un programa de trabajo para poder seguir recibiendo cupones para alimentos.

A petición suya, la HRA pondrá a su disposición una actividad de trabajo acreditable o una oportunidad de capacitación, de manera que usted pueda permanecer elegible para cupones para alimentos más allá del límite de tres meses.

Si usted restablece elegibilidad para cupones para alimentos dentro de 30 días de cumplir los requisitos de ABAWD y posteriormente pierde su trabajo/asignación de trabajo, usted será elegible para recibir cupones para alimentos por un período adicional de tres meses. Este período de "gracia" comienza el mes posterior al mes en que usted deje de trabajar o participar en un programa de trabajo.

SAMPLE