

TO BE RESCINDED

5101:4-3-20

Food assistance: time limit for able-bodied adults without dependents (ABAWDs).

(A) Definitions

For purposes of the food assistance time limit, the terms below have the following meanings:

(1) "Fulfilling the work requirement" means:

- (a) Working twenty hours or more per week, averaged monthly; for purposes of this provision, twenty hours a week averaged monthly means eighty hours a month;
- (b) Participating in and complying with the requirements of a work program twenty hours or more per week, as determined by the county agency;
- (c) Any combination of working and participating in a work program for a total of twenty hours or more per week, as determined by the county agency; or
- (d) Participating in and complying with a workfare program such as the work experience program (WEP);

(2) "Working" means:

- (a) Work in exchange for money;
- (b) Work in exchange for goods or services ("in kind" work); or
- (c) Unpaid work, verified under standards established by the county agency.
- (d) Any combination of paragraphs (A)(2)(a), (A)(2)(b), and (A)(2)(c) of this rule.

(3) "Work program" means:

- (a) A program under the Workforce Investment Act of 1998, Pub. L. No. 105-220, (08/1998);

(b) A program under section 236 of the Trade Act of 1974, 19 U.S.C. 2296, (01/2006); or

(c) An employment and training program, other than a job search or job search training program, operated or supervised by a state or political subdivision of a state that meets standards approved by the governor of the state, including a program under section 273.7 (e) of the federal regulations. Such a program may contain job search or job search training as a subsidiary component as long as such component is less than half the requirement.

(4) "Workfare program" means:

(a) A work experience program (WEP) as defined in rule 5101:4-3-34 of the Administrative Code; or

(b) A self-initiated community services program approved by the county agency.

(B) General rule

Individuals are not eligible to participate in the food assistance program as a member of any assistance group if the individual received food assistance for more than three countable months during any three-year period, except that individuals may be eligible for up to three additional countable months in accordance with paragraph (E) of this rule.

(1) Countable months

Countable months are months during which an individual receives food assistance for the full benefit month while not:

(a) Exempt under paragraphs (C)(1) to (C)(8) of this rule;

(b) Fulfilling the work requirement as defined in paragraph (A)(1) of this rule; or

(c) Receiving benefits that are prorated in accordance with rule 5101:4-4-27 of the Administrative Code.

(2) Good cause

As determined by the county agency, if an individual would have worked an average of twenty hours per week but missed some work for good cause, the individual shall be considered to have met the work requirement if the absence from work is temporary and the individual retains his or her job. Good cause shall include circumstances beyond the individual's control, such as, but not limited to, illness, illness of another assistance group member requiring the presence of the member, assistance group emergency, or the unavailability of transportation.

(3) Treatment of income and resources

The income and resources of an individual made ineligible under paragraph (B) of this rule shall be handled in accordance with paragraph (B) of rule 5101:4-6-13 of the Administrative Code.

(4) Benefits received erroneously

If an individual subject to this rule receives food assistance benefits erroneously, the county agency shall consider the benefits to have been received for purposes of this rule unless or until the individual pays it back in full.

(5) Verification

Verification shall be in accordance with rule 5101:4-2-09 of the Administrative Code.

(6) Reporting

A change in work hours below twenty hours per week, averaged monthly, is a reportable change in accordance with rule 5101:4-7-01 of the Administrative Code. Regardless of the type of reporting system the county agency assigns to potential ABAWDs, the county agency must adhere to the statutory requirements of time-limited benefits for individuals who are subject to the work requirement. The county agency shall consider work performed in a job that was not reported in accordance with the requirements of rule 5101:4-7-01 of the Administrative Code allowable "work."

(7) Applicability of the Food and Nutrition Act of 2008, Pub. L. No. 110-246, (06/2008)

Nothing in paragraph (B) of this rule shall make an individual eligible for food assistance benefits if the individual is not otherwise eligible for benefits under the other provisions of these regulations and the Food and Nutrition

Act of 2008.

(C) Exemptions

An individual is exempt from the time limit if he or she is:

- (1) Under eighteen or fifty years of age or older;
- (2) Determined by the county agency to be medically certified as physically or mentally unfit for employment. An individual is medically certified as physically or mentally unfit for employment if he or she:
 - (a) Is receiving temporary or permanent disability benefits issued by governmental or private sources;
 - (b) Is obviously mentally or physically unfit for employment as determined by the county agency; or
 - (c) If the unfitness is not obvious, provides a statement from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, a licensed or certified psychologist, a social worker, or any other medical personnel the county agency determines appropriate, that he or she is physically or mentally unfit for employment.
- (3) Is a parent (natural, adoptive, or step) of an assistance group member under age eighteen, even if the assistance group member who is under eighteen is not himself/herself eligible for food assistance;
- (4) Is residing in an assistance group where an assistance group member is under age eighteen, even if the assistance group member who is under eighteen is not himself/herself eligible for food assistance;
- (5) Is otherwise exempt from work requirements under section 6(D)(2) of the Food and Nutrition Act of 2008, as implemented in rule 5101:4-3-11 of the Administrative Code;
- (6) Is pregnant;
- (7) Is residing in a county where the time limit was waived because the average unemployment rate for twelve recent calendar months exceeded ten per cent

in accordance with 7 CFR 273.24 (01/08)(f)(1)(i); or

- (8) Is residing in a county where the time limit was waived because of the lack of sufficient jobs in accordance with 7 CFR 273.24 (f)(1)(ii).

(D) Regaining eligibility

- (1) An individual denied eligibility under paragraph (B) of this rule, or who did not reapply for benefits because he/she was not meeting the work requirements under paragraph (B) of this rule, shall regain eligibility to participate in the food assistance program if, as determined by the county agency, during any thirty consecutive days, he or she:

(a) Worked eighty or more hours;

(b) Participated in and complied with the requirements of a work program for eighty or more hours;

(c) Any combination of work and participation in a work program for a total of eighty hours; or participated in and complied with a workfare program; or

(d) Becomes exempt.

- (2) An individual regaining eligibility under paragraph (D)(1) of this rule shall have benefits calculated as follows:

(a) For individuals regaining eligibility by working, participating in a work program, or combining hours worked and hours participating in a work program, the county agency shall prorate benefits from the day the eighty hours are completed.

(b) For individuals regaining eligibility by participating in a workfare program and the workfare obligation is based on an estimated monthly allotment prorated back to the date of application, then the allotment issued must be prorated back to this date.

- (3) There is no limit on how many times an individual may regain eligibility and subsequently maintain eligibility by meeting the work requirement.

(E) Additional three-month eligibility

An individual who regained eligibility under paragraph (D) of this rule and who is no longer fulfilling the work requirement as defined in paragraph (A) of this rule is eligible for a period of three consecutive countable months as defined in paragraph (B) of this rule starting on the date the individual first notifies the county agency that he or she is no longer fulfilling the work requirement, unless the individual has been satisfying the work requirement by participating in a work or workfare program, in which case the period starts on the date the county agency notifies the individual that he or she is no longer meeting the work requirement. An individual shall not receive benefits under this paragraph more than once in any three-year period.

(F) Measuring the three-year period

Ohio tracks the three-year period on a "rolling" thirty six month clock.

Effective:

R.C. 119.032 review dates: 03/07/2013

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5101.54
Rule Amplifies: 329.04, 329.042, 5101.54
Prior Effective Dates: 6/2/80, 12/1/80, 10/1/81, 1/18/82, 5/1/82, 9/27/82, 2/1/85 (Emer.), 5/2/85, 7/1/87 (Emer.), 9/28/87, 1/13/88 (Emer.), 3/24/88, 10/1/88 (Emer.), 11/18/88, 1/1/89 (Emer.), 3/18/89, 10/1/90, 1/1/91, 2/3/92, 8/1/94, 8/1/95 (Emer.), 10/13/95, 7/1/96, 9/22/96 (Emer.), 11/22/96 (Emer.), 1/9/97, 2/1/97 (Emer.), 4/13/97, 10/1/97 (Emer.), 12/15/97, 10/1/01 (Emer.), 10/11/01, 1/1/04 (Emer.), 2/1/04, 1/1/06, 1/1/09, 3/1/11