

TO BE RESCINDED

5101:4-3-20 **Food assistance: time limit for able-bodied adults without dependents.**

(A) What are the work requirements for able-bodied adults without dependents (ABAWDS)?

- (1) Working twenty hours per week in exchange for money, goods or services (in-kind work) or verified unpaid work, averaged monthly; for purposes of this provision, twenty hours a week averaged monthly means eighty hours a month;
- (2) Participating in and complying with the requirements of a work program twenty hours or more per week. 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 job search or job readiness, 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 7 CFR 273.7 (e) (06/2006). 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;
- (3) 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
- (4) Participating in and complying with a work experience program (WEP) as defined in rule 5101:4-3-34 of the Administrative Code.
- (5) For purposes of division 5101:4 of the Administrative Code, "unpaid work" includes any activity in which the individual exerts strength or faculties to do or perform something for which no compensation is received and that benefits the community or a member of the community that does not reside with the individual. Unpaid work shall be verified in accordance with rule 5101:4-2-09 of the Administrative Code.

(B) What are the additional eligibility requirements for ABAWDS?

Individuals determined to be ABAWDS are not eligible to participate in the food assistance program as a member of any assistance group if they have received food assistance for more than three countable months during any three-year period, unless they meet the criteria in paragraph (E) of this rule.

(C) What are the countable months?

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

- (1) Exempt under paragraphs (E) (1) to (E) (8) of this rule;
- (2) Fulfilling the work requirement as defined in paragraph (A)(1) of this rule; or
- (3) Receiving benefits that are prorated in accordance with rule 5101:4-4-27 of the Administrative Code.

(D) What is good cause?

Good cause is 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, an assistance group emergency, or the unavailability of transportation.

(E) Who is not subject to the ABAWD work requirements?

An ABAWD that has already received three months of benefits in a thirty six month time period is ineligible for expedited or regular food assistance benefits unless the individual 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 is:
 - (a) Receiving temporary or permanent disability benefits issued by governmental or private sources; or

- (b) Obviously mentally or physically unfit for employment as determined by the county agency; or 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) 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) 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) Otherwise exempt from work requirements as implemented in rule 5101:4-3-11 of the Administrative Code;
- (6) Pregnant;
- (7) 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) 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).

(F) What are the time limits for an ABAWD?

An ABAWD is eligible to receive three months of benefits in a thirty-six month time period without being subject to an ABAWD food assistance work requirement. The first month of the thirty six month count begins during the first full month of benefits.

(G) How can an individual regain eligibility?

- (1) An individual denied eligibility or who did not reapply for benefits because he/she was not meeting the work requirements 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 WEP; or
 - (d) Becomes exempt.
- (2) An individual regaining eligibility under paragraph (G)(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 WEP program and the WEP 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.

(H) Is there additional eligibility allowable?

An individual who regained eligibility under paragraph (G) of this rule and who is no longer fulfilling the work requirement is eligible for a period of three consecutive countable months as defined in paragraph (C) 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 WEP, 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.

Effective:

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Certification

Date

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