

### Chapter 3

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## UNPAID WORK

Labor for an individual outside the AG or organization in which a person would traditionally be paid, but the client has chosen not to seek payment.

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## WORK

For ABAWD purposes only, work is defined as any activity performed for monetary compensation, for in-kind services, or unpaid work.

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### **3.2.1.D.1.a** *Expanding the Target Audience*

- Effective October 1, 2022, all West Virginia counties are required to enforce the ABAWD work requirement per WV state code §9-8-2.
  - Effective September 1, 2023, all 50-year-olds receiving SNAP (who are not exempt) must meet the ABAWD work requirement per the Fiscal Responsibility Act of 2023.
  - Effective October 1, 2023, all 51-and-52-year-olds receiving SNAP (who are not exempt) must meet the ABAWD work requirement per the Fiscal Responsibility Act of 2023.
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### **3.2.1.D.2** *ABAWD Eligibility*

For SNAP AGs, any individual who meets the definition of an ABAWD and who is normally required to be included in the AG can only receive benefits when he is otherwise eligible and:

- Meets the work requirements outlined below or meets an exemption listed below;
- Is in his first three-month period while not meeting the ABAWD work requirement or being exempt within the 36-month period; or
- Regains eligibility after meeting the ABAWD work requirement and is in his additional three-month period, which must be consecutive months.

For detailed information for each of the bullets above, see below.

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### **3.2.1.D.3** *ABAWD Work Requirement*

All SNAP work requirements in Chapter 14 also apply to ABAWDs.

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have fulfilled the work requirement if the absence from work or the work program is temporary. A temporary period is considered less than a one-month period.

Good cause includes circumstances beyond the individual's control, such as, but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, or the unavailability of transportation.

If an ABAWD is granted good cause in any month for not meeting the ABAWD work requirement, the individual cannot receive a countable ABAWD month in the same period.

It is the responsibility of the ABAWD to report to the agency why they are unable to meet the ABAWD work requirement. The worker must document granting good cause in the case record.

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*NOTE: If an ABAWD has not completed any required hours during the month in which the ABAWD is claiming good cause, the ABAWD cannot be granted good cause for that month. If a worker needs assistance determining if an ABAWD qualifies for good cause they should consult with the Division of Family Assistance SNAP policy unit.*

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#### **3.2.1.D.4 Exemptions from ABAWD Time Limits and ABAWD Work Requirements**

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SNAP benefits received while exempt do not count toward the three-month limit.

An individual is exempt if he:

- Receives SNAP benefits in a SNAP AG that contains an individual under the age of 18, even if the household member who is under 18 is not eligible for SNAP himself;
- Is responsible for the care of an incapacitated person, whether or not the person receiving the care resides with the client, and whether or not the incapacitated person is a member of the AG. The incapacity of the person must be verified through a written statement from a doctor, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, or a licensed or certified psychologist.
  - Caring for an incapacitated person must prevent the client from being able to complete a work activity. If questionable, written verification is required.
- Is receiving Unemployment Compensation Insurance (UCI). An individual who has applied for but is not yet receiving unemployment compensation is also exempt if he is complying with the unemployment application process, including those applying out of state. This includes persons receiving benefits under the Trade Readjustment Allowance (TRA);



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- Is certified as physically or mentally unfit for employment according to the provisions in Section 13.15;
- Is a veteran of any United States military branch, regardless of discharge status. This includes individuals who served through the Army, Navy, Marine Corp, Air Force, Space Force, Coast Guard, National Guard, including those who served in a reserve component of the Armed Forces.
- Is pregnant, regardless of the expected date of delivery. The pregnancy must be verified;
- Is a regular participant in a drug addiction or alcoholic treatment and rehabilitation program when the participation in this program would prevent the individual from meeting the work requirement or participating in an employment/training program the required number of hours. When exempting ABAWDs due to participating in a drug addiction or alcoholic treatment and rehabilitation program, the Worker must verify the number of hours the client must commit to the program to determine if the individual is exempt;
- Is a student enrolled at least half-time in any recognized school, training program, or institution of higher education. Students enrolled at least half-time in an institution of higher education must still meet the student eligibility requirements found above to be eligible for SNAP;
- Is hired for work at least 30 hours per week;
- Is hired for work paying the equivalent of at least 30 hours times the federal minimum wage per week; or
- Is aged 24 years or younger and was in foster care on their 18<sup>th</sup> birthday. The former foster individual must have aged out of custody at the maximum allowable age. This could be older than 18 in other states. The former foster individual can receive this exemption until they turn 25 years old.
- Is meeting the definition of a homeless individual. An individual is considered homeless when they are living without shelter, residing in a shelter, sleeping in an area not designed to accommodate human beings, or have inconsistent housing. An individual who is living in a shelter, without shelter, or in an area not designed to accommodate human beings is homeless regardless of the amount of time spent in that living arrangement. After 90 consecutive days in one residence an individual is no longer considered to have inconsistent housing and is no longer considered homeless.
- Is the recipient of a discretionary exemption through the Division of Family Assistance (DFA). For any month in which a discretionary exemption has been granted, a case comment will be entered into the eligibility system.

These exemptions qualify the individual to participate immediately, if otherwise eligible. These exemptions are only applicable to the ABAWD time limit and ABAWD work requirement and do not automatically exempt the individual from the SNAP work requirements in Chapter 14.

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While the individual is exempt, he is not required to regain eligibility by completing any work hours. See below for regaining eligibility.

**Exemption Example 1:** An ABAWD attends a methadone clinic once a month for a total of two hours to refill a methadone prescription. The client does not attend any additional counseling or treatment. Because this client is an ABAWD, the Worker verifies the number of hours and determines that this drug addiction treatment and rehabilitation program does not prevent the client from meeting the work requirements or participating in an employment or training program.

**Exemption Example 2:** An ABAWD enters a specialized hospital for treatment for addiction on April 1. As part of the program, the client is expected to live at the hospital and receive treatment until April 20. Since the client is enrolled in a program that does not allow the client to leave the hospital, this program prevents the ABAWD from meeting the work requirements or participating in an employment or training program.

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#### **3.2.1.D.5**     *Determining the 36-Month Period*

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For all individuals, regardless of client's status or the county or state of residence, the first 36-month period began January 2016. The 36-month period remains fixed.

Receiving SNAP months without being exempt or meeting the work requirement in another state counts towards the client's three-month limit in West Virginia. The worker must only count such months within the current 36-month period.

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#### **3.2.1.D.6**     *Determining the Three-Month Limit*

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Months in which the client received prorated benefits do not count toward the three-month limit. When circumstances change so that an ILC ABAWD, who has been exempt or meeting the Requirement, is no longer meeting an exemption or the work requirement, the first full countable month of the limit would be the month of benefits after the exemption ended.

**Mid-Month Job Loss Example:** An ABAWD who works 25 hours per week loses his job the second week of February. February is not counted toward his three-month limit.