
**DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE FOR FAMILY INDEPENDENCE
FOOD SUPPLEMENT PROGRAM**

**General Program Requirements/Nonfinancial Eligibility Factors
Able-Bodied Adults Without Dependents (ABAWD)**

Section 111-7

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7 C.F.R. §§ 273.7, and 273.24

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1. GENERAL RULE

- A. An Able-Bodied Adult Without Dependents (ABAWD) is an individual who is—
- (1) at least 18 years of age, and
 - (2) in a SNAP household with no members under the age of eighteen (18).
- B. An individual is no longer an ABAWD—
- (1) As of September 1, 2023, beginning the month they turn fifty-two (52) years of age.
 - (2) As of October 1, 2023, beginning the month they turn fifty-four (54) years of age.
 - (3) As of October 1, 2024, beginning the month they turn fifty-six (56) years of age
 - (4) As of October 1, 2030, beginning the month they turn fifty (50) years of age.

2. WORK REQUIREMENTS

- A. An ABAWD is not eligible for SNAP benefits if, during a “fixed” 36-month period, the ABAWD received SNAP benefits for three countable months or more and was not at the same time:
- (1) working in paid employment of at least 20 hours per week (averaged monthly); or
 - (2) participating in and complying with the requirements of a work program under the *Workforce Investment Opportunity Act (WIOA)* or a work program under the *Trade Adjustment Assistance Act (TRA)* for at least 20 hours per week (averaged monthly); or
 - (3) participating in and complying with the requirements of an employment training program operated or supervised by the State or political sub-division of the State, other than a job search program or a job search training program, for at least 20 hours per week (averaged monthly); or
 - (4) participating in and complying with the requirements of a workfare program or volunteer community service for a monthly maximum of the value of the household benefit divided by state or federal minimum wage, whichever is higher. Hourly requirements of a workfare program or volunteer community service are determined by dividing the SNAP household benefit allotment by the state or federal minimum wage, whichever is higher. Pursuant to Section 20(c) of the *Social Security Act*, no member will be required to work in any workfare or volunteer position to the extent that such work exceeds in value the allotment to which the household is otherwise entitled or that such work, when added to any other hours worked during such week by such member for compensation (in cash or in kind) in any other capacity, exceeds thirty hours a week.

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- B. The fixed 36-month time period will begin October 1, 2020 and end September 30, 2023. Subsequent time periods will follow using the same beginning and ending months, so the next fixed 36-month time period would start October 1, 2023 and end September 30, 2026.
- C. A countable month (referred to in Sub-paragraph A above) is a month during which an individual receives SNAP benefits for the full benefit month while not an exempt member.
- D. The work hours must be verified. In addition, ABAWDs must report when hours fall below 20 hours per week (averaged monthly), (except those working in a program described in Sub-paragraph A(4). above). If self-employed, the ABAWD must be employed for 20 hours or more per week and receive weekly earnings at least equal to state or federal minimum wage, whichever is higher, multiplied by 20 hours.

3. GOOD CAUSE

If an individual would have worked an average of 20 hours per week but missed some work for good cause, the individual is considered to have met the work requirement if the absence from work is temporary and the individual retains their job. 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.

4. EXEMPT MEMBERS

The individual is exempt from the work requirements in Paragraph 2 above if the individual is one or more of the following:

- A. exempt from work requirements listed at FS 111-5;
- B. Physically or mentally unfit for employment;

NOTE: If not evident, medical certification is required. In lieu of a doctor's statement, statements from nurses, nurse practitioners, social workers or medical personnel may be sufficient.
- C. Receiving temporary or permanent disability benefits issued by governmental or private resources;
- D. pregnant;
- E. subject to and complying with a TANF or unemployment compensation system work requirement;
- F. a student, regardless of age, who is enrolled at least half time in any recognized school, training program, or institution of higher education;
- G. caring for an incapacitated person who cannot provide their own care;

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- H. regularly participating in a substance use disorder treatment program meeting the requirements of Title XIX of the *Public Health Service Act* (42 U.S.C. 300x *et seq.*);
- I. a resident of a Maine geographic area (city, town, plantation, unorganized territory, township or reservation) listed in FS 999-2; or is
- J. In the period from September 1, 2023 through September 30, 2030:
 - (i) experiencing homelessness;
 - (ii) a veteran; or
 - (iii) aged twenty-four (24) or younger and was in Foster Care up to the point that they would not be considered age eligible for Foster Care by the state that made the placement.

5. SUBSEQUENT ELIGIBILITY

An ABAWD who is denied eligibility under this provision can regain eligibility if, during a 30-day period, the ABAWD:

- A. works 80 or more hours;

NOTE: If self-employed, the ABAWD must be employed for 80 hours or more and must receive earnings at least equal to state or federal minimum wage, whichever is higher, multiplied by 80 hours.

- B. participates in and complies with the requirements of a work program under the *Job Training Partnership Act* (JTPA) or a work program under the *Trade Adjustment Assistance Act* (TRA) for at least 80 hours;
- C. participates in and complies with the requirements of an employment training program operated or supervised by the State or political sub-division of the State, other than a job search program or a job search training program, for at least 80 hours, or participates in and complies with the requirements of a workfare program or volunteer community service for a monthly maximum of the value of the household benefit divided by state or federal minimum wage, whichever is higher.

Hourly requirements of a workfare program or volunteer community service are determined by dividing the SNAP household benefit allotment by state or federal minimum wage, whichever is higher. Pursuant to Section 20(c) of the *Social Security Act*, no member will be required to work in any workfare or volunteer position to the extent that such work exceeds in value the SNAP allotment to which the household is otherwise entitled or that such work, when added to any other hours worked during such week by such member for compensation (in cash or in kind) in any other capacity, exceeds thirty hours a week.

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As an example, if the SNAP household benefit is \$150 per month, and the relevant minimum wage is \$7.50 per hour, the hourly requirements would not exceed 20 hours per month.

An ABAWD who regains eligibility remains eligible as long as they work 20 hours per week or participates in a work training program, workfare, or volunteer community service subject to the requirements above.

6. ADDITIONAL THREE-MONTH PERIOD OF ELIGIBILITY

An individual ABAWD who regains eligibility for Food Supplement benefits subject to the requirements above and then loses his or her job, work training program, workfare, or volunteer community service position remains eligible to receive Food Supplement benefits, if otherwise eligible, for an additional period of three consecutive countable months without working or being in work training program, workfare program, or volunteer community service.

Any additional three-month extension period of eligibility begins on the date the individual first notifies the state that they have lost their job; work training program, workfare, or volunteer community service position.

This additional three-month period of eligibility is available to an ABAWD only once in any 36-month period. However, there is no limit on the number of times an individual may regain and maintain eligibility by fulfilling the work requirement.

As with initial allotments, a prorated month does not count as a countable month.

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A.

ADEQUATE NOTICE: Written notice that includes the action the Department intends to take, the reason for the action, the right to request a fair hearing, the person to contact for additional information, the availability of continued benefits and liability for such benefits if found ineligible in hearing decision, and the availability of free legal services.

ADVANCE NOTICE: An adequate notice mailed at least 12 days prior to the effective date of the action except when the action is the result of a computer-to-computer match with BEERS or IRS records. In the latter instance, the notice must be mailed at least 30 days prior to the effective date of the action.

ADVERSE ACTION: Determination to close, suspend or reduce benefits.

ALIEN: An alien is a person who is not a U.S. citizen.

APPLICANT: The individual for whom benefits are requested. (Also see Head of Household.)

APPLICANT HOUSEHOLD: A household which has not participated for at least one full calendar month.

ASSETS, LIQUID: Anything owned in the form of cash or readily convertible to cash.

ASSETS, NON-LIQUID: Anything owned not readily convertible to cash.

ASSISTANCE GROUP (AG): Members of a Household (Section 111-1) receiving the same SNAP benefit type or included in the calculation there-of.

AUTHORIZED REPRESENTATIVE: A non-household member who is authorized, in writing by the household, to make an application, receive the monthly benefits or purchase food with the SNAP benefits for the household.

AUTHORIZED TO RECEIVE: An individual has been determined eligible for benefits and has been notified of this determination, even if the benefits have been authorized but not received, authorized but not accessed, suspended or recouped, or not paid because they are less than a minimum amount.

B.

BENEFIT: Total amount of SNAP allotment a household is authorized to receive.

BOARDER: An individual to whom a household furnishes meals and/or lodging for compensation.

C.

CENTERS FOR THE TREATMENT OF SUBSTANCE USE DISORDERS: Centers, approved by the State, for the treatment of these disorders.

CERTIFICATION PERIOD: Length of time for which eligibility is established.

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COLLATERAL CONTACTS: A non-household member who provides information about the household's circumstances.

CORRECTIONAL FACILITY: Any facility that falls under the jurisdiction of the Department of Corrections (DOC) for the purpose of detaining (for 24 hours or more) and/or rehabilitating individuals convicted of a crime or awaiting trial, including those licensed and overseen by DOC, but operated by a county or other entity.

D.

DATE OF APPLICATION:

1. Unless otherwise specified below in 2 and 3, the date of application is the day an application containing the applicant's name and address, signed by either a responsible household member or an authorized representative, is received by the Department or the date the Department receives the telephonic signature.
2. For a resident of a public institution jointly applying for SSI and SNAP benefits prior to leaving the institution, the date of application is the date of release from the institution.
3. For a Maine resident in a state or county correctional facility within Maine, applying for SNAP within 30 days prior to their anticipated release date, and not joining an existing SNAP Household (Section 111-1) upon release, the date of application is the date of release from the facility.

DEPENDENT: A person who relies on another for support and/or care.

DISABLED: (See Individual with a Disability)

DOCUMENTATION: Information, in writing or electronic media, which substantiates the individual's assertion or Department's eligibility decision.

DRUG OR ALCOHOL TREATMENT CENTERS: See centers for the treatment of substance use disorders.

DUPLICATE PARTICIPATION: Receiving SNAP benefits in more than one household during the same month.

E.

ELDERLY: Being at least 60 years old.

ELDERLY OR DISABLED: A person who meets either the definition of Elderly or an Individual with a Disability.

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ELECTRONIC BENEFIT TRANSFER (EBT) CARD: A debit card used by the SNAP benefit recipient to access benefits.

ELIGIBILITY REVIEW: Periodic redetermination of eligibility or ineligibility and benefit level.

EXPEDITED SERVICE: Processing an application in such time as to assure access to the benefit by the fifth calendar day following the date of application.

F.

FLEEING FELON: An individual for whom a federal, state, or local law enforcement officer acting in their official capacity presents an outstanding felony arrest warrant that conforms to one of the following National Crime Information Center Uniform Offense Classification Codes, to the Department to obtain information on the location of and other information about the individual named in the warrant: (A) Escape (4901); (B) Flight to Avoid (prosecution, confinement, etc.) (4902); or (C) Flight-Escape (4999).

FOOD AND NUTRITION SERVICES (FNS): The Division of the Department of Agriculture that administers the Supplemental Nutrition Assistance Program (SNAP).

FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS (FDPIR): The program administered by FNS and locally by either Indian Tribal Organizations or an agency of a State government. Dual participation in SNAP and FDPIR is prohibited.

FOOD SUPPLEMENT PROGRAM (FS): The name by which SNAP benefits within the State of Maine were known prior to July 1, 2021.

FOSTER CARE: Children in the care and custody of the State consistent with 45 C.F.R. § 1305.

G.

GENERAL ASSISTANCE: Cash or another form of assistance financed by State or local funds as part of a program to cover living expenses or other basic needs.

GOOD CAUSE: Valid reasons for noncompliance with certain program requirements.

H.

HEAD OF HOUSEHOLD: That responsible adult household member selected by all adult members of the household. (See Section 111-1 for exception to this definition.)

HIGHER EDUCATION ACT (TITLE IV): A Federal statute establishing financial assistance to students in post-secondary education. Some examples are: PELL Grants, SEOG, Guaranteed Student Loans, and Work Study.

HOMELESSNESS: Lacking a fixed and regular nighttime residence or having a primary nighttime residence of:

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1. a supervised shelter designed to provide temporary accommodations;
2. a halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
3. a temporary accommodation in the residence of another for not more than 90 days; or
4. a place not designed for regular sleeping accommodation for human beings.

"Homeless" does not describe any individual imprisoned or detained pursuant to a State law.

I.

INDIVIDUAL WITH (or who has) A DISABILITY: A household member who—

1. receives disability payments under Social Security or SSI;
2. is a veteran with a non-service connected disability pension;
3. is a veteran with a service connected disability which is rated or paid as total;
4. is a surviving spouse of a veteran and has been determined by VA to be house-bound or in need of aid-and-attendance (A&A);
5. is a surviving child of a veteran and is considered by VA to be permanently incapable of self-support;
6. is a surviving spouse or child of a veteran and is receiving, or approved to receive, VA compensation or pension payments, and would be disabled according to SSA standards;
7. is a recipient of a federal, state, or local public disability pension;
8. is a recipient of railroad retirement disability; or
9. is a recipient of SSI-related Medicaid.

Verification of the above is required.

INITIAL MONTH: The first month for which a benefit is issued. For households which previously participated it is the first month following at least one month of non-participation and in the case of migrant farm worker households, 30 days of non-participation.

L.

LIVE-IN ATTENDANT: An individual, usually paid, who is needed for medical, housekeeping or child care reasons. They will not be considered household members for SNAP.

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LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP) or (HEAP): A Federal program, authorized under the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of the Omnibus Budget Reconciliation Act of 1981, P.L. 97-35), that provides help with winter energy bills for income-eligible persons. Payments are usually made directly to local utility companies or vendors.

M.

MASS CHANGES: Certain changes imposed by the Federal or State government which may affect the entire caseload or significant portions thereof. Changes may include such items as annual adjustments to income standards, change in deductions, or cost of living adjustments to Temporary Assistance to Needy Families (TANF).

O.

OVERPAYMENT: When a household receives SNAP benefits for which they are not eligible.

P.

PUBLIC INSTITUTION: A government operated facility in which people live and receive care typically in a confined setting and often without individual consent.

Q.

QUESTIONABLE INFORMATION: Information which is contradictory to other information known to or received by the Department.

R.

REFUSAL TO COOPERATE: When a household has the ability to cooperate, but clearly demonstrates that they will not take required action, even though they are able to do so.

RENEWAL FORM: A notice provided by the Department to the household that must be completed and returned to the Department as part of the required Annual Eligibility Review.

RESTORATION OF LOST BENEFITS: When a household is granted too few SNAP benefits and the error is caused by the Department, action is taken to restore lost benefits.

ROOMER: An individual renting living space in the household's primary residence. Roomers are distinguished from other renters because they share kitchen facilities with the lessor. Roomers are distinguished from boarders because they do not purchase and prepare the majority of meals with the lessor.

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S.

SEPARATE HOUSEHOLD: Individuals sharing common living quarters, but who customarily purchase and prepare meals apart from each other.

SHELTER FOR BATTERED PERSONS: A place of temporary protection and support for persons escaping domestic violence and intimate partner violence of all forms.

SHELTER FOR INDIVIDUALS EXPERIENCING HOMELESSNESS: A building set up to provide for the needs of individuals experiencing homelessness; often including shelter, food, sanitation, and other forms of support.

SIX-MONTH REPORT: An interim report required for some households in the middle of the certification period. Information reported on the six-month report must reflect current household status.

SPONSORED ALIEN: A legal alien who entered the country based on an "Affidavit of Support" (USCIS Form I-134) or similar written agreement executed by a sponsor on behalf of the alien.

SUBSTANCE ABUSE TREATMENT CENTERS: See centers for the treatment of substance use disorders.

T.

THRIFTY FOOD PLAN: The maximum monthly benefit a household can receive. It is based on household size.

TRAFFICKING:

- (1) The buying, selling, stealing, or otherwise effecting an exchange of SNAP benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers and personal identification numbers (PINs), or by manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone;
- (2) The exchange of firearms, ammunition, explosives, or controlled substances, as defined in section 802 of title 21, *United States Code*, for SNAP benefits;
- (3) Purchasing a product with SNAP benefits that has a container requiring a return deposit with the intent of obtaining cash by discarding the product and returning the container for the deposit amount, intentionally discarding the product, and intentionally returning the container for the deposit amount;
- (4) Purchasing a product with SNAP benefits with the intent of obtaining cash or consideration other than eligible food by reselling the product, and subsequently intentionally reselling the product purchased with SNAP benefits in exchange for cash or consideration other than eligible food;

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- (5) Intentionally purchasing products originally purchased with SNAP benefits in exchange for cash or consideration other than eligible food; or
- (6) Attempting to buy, sell, steal or otherwise affect an exchange of SNAP benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers and personal identification numbers (PINs), or by manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone. (7 C.F.R. §271.2).

UNCLEAR INFORMATION: Information provided to the Department that may convey more than one meaning or for which no single meaning can reasonably be ascribed and depending on the actual meaning could result in a different eligibility decision or benefit amount.

V.

VENDOR PAYMENT: A money payment made on behalf of the household by a third party.

VETERAN: As defined in Section 5126(f)(13)(F) of the James M. Inhofe National Defense Authorization Act of 2023, means an individual who served in the United States Armed Forces (such as Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, and National Guard), including an individual who served in a reserve component of the Armed Forces, and who was discharged or released therefrom, regardless of the conditions of such discharge or release.