

m. Recipients in Another State

Individuals may only receive SNAP benefits from one state in any month. Therefore, individuals who have already received or will receive SNAP benefits in another state are ineligible to be included in a SNAP AG in WV for that same month.

n. Able-Bodied Adults Without Dependents (ABAWD)

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

- Is meeting an exemption listed in item (2) below; or
- Is meeting the work requirements outlined in item (3) below; or
- Is residing in a Non-Issuance Limited County (NILC); or
- Is in the first 3-month limit period while not meeting the ABAWD work requirement or being exempt; or
- Regains eligibility after meeting the ABAWD work requirement; and
- - o Is in the second 3-month limit period; or
 - o Becomes exempt; or
 - o Moves to an NILC.

(1) Definition of ABAWD

An ABAWD is any individual who is age 18 or older, but not yet age 50. An individual who turns 18 becomes an ABAWD in the month following their birthday. An individual is no longer an ABAWD in the month of their 50th birthday.

(2) Exemptions

SNAP benefits received while exempt do not count toward the 3-month limit. An individual is exempt if he:

- o Receives SNAP benefits in the 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.
- o 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

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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. The act of caring for an incapacitated person must prevent the client from being able to complete a work activity. If questionable, written verification is required; or

- Is receiving UCI as the result of registering with an unemployment office, including those registering out of state; this includes persons receiving benefits under the Trade Readjustment Act (TRA); or
- Is medically certified as physically or mentally unfit for employment according to the provisions in Section 12.15; or
- Is a pregnant woman, regardless of the expected date of delivery; or
- 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; or
- 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 in item f.(2) above to be eligible for SNAP; or
- Is hired for work at least 30 hours per week; or
- Is hired for work paying the equivalent of at least 30 hours times the federal minimum wage per week.

These exemptions qualify the individual to participate immediately, if otherwise eligible, regardless of how many months of benefits he has already received. These exemptions are only from the ABAWD time limit and ABAWD

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work requirement and do not automatically exempt the individual from the SNAP work requirements in Chapter 13.

While the individual is exempt, he is not required to regain eligibility by completing any work hours to become eligible again. However, receiving SNAP benefits while meeting an exemption does not qualify the individual for the additional 3-month period specified in item (7) below until he has worked 80 hours in 30 days or participated in a work or training program for a month, should he no longer meet an exemption.

NOTE: When exempting ABAWDs due to participating in a drug addiction or alcoholic treatment and rehabilitation program, the worker must evaluate the number of hours the customer must commit to the program to determine if the individual is exempt.

EXAMPLE: An ABAWD attends a methadone clinic once a month for a total of two hours in order to refill a methadone prescription. The client does not attend any additional counseling or treatment. 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.

EXAMPLE: An ABAWD enters a specialized hospital for treatment for addiction. As part of the program, the client is expected to live at the hospital and receive treatment for the next 30 days. 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.

(3) ABAWD Work Requirement

NOTE: All SNAP work requirements in Chapter 13 also apply to ABAWDs.

An ABAWD must meet the following ABAWD work requirements in addition to the SNAP work requirements in Chapter 13 to be eligible. For ABAWD purposes only, work is defined as any activity performed for monetary compensation, for in-kind services, or unpaid work. All work hours must be verified, including in-kind services and unpaid work. In-kind services are defined as any labor that results

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in an individual receiving an in-kind income/payment as defined in Chapter 10.1. Unpaid work is labor for an individual outside the AG or organization in which a person would traditionally be paid, but the customer has chosen not to seek payment. See Verification Requirements for Work Requirements found in Chapter 4. As long as an ABAWD is exempt as found in item (2) above or meets either of the 2 requirements below, he may receive SNAP benefits, if otherwise eligible. Otherwise, he is ineligible once he has received SNAP benefits for 3 months without being exempt or meeting the ABAWD work requirement. The 3 months need not be consecutive and includes SNAP benefits received from another state. The ABAWD work requirement is met by either:

- Working at least 20 hours per week or 80 hours a month; or
- Participating in a work program such as, but not limited to, WorkForce Innovation and Opportunity Act (WIOA) or a refugee resettlement program, at least 20 hours per week or 80 hours per month; or
- Participating in a SNAP E&T program the required number of hours. Individuals who do not meet an exemption listed in item (2) above and who are not participating in another program or working 20 hours per week or 80 hours in a month must be referred to the SNAP E&T program. While a client has the ability to not cooperate with the SNAP E&T program, a client may not opt out of the ABAWD work requirement. A client may choose to cooperate with SNAP E&T at any time.

This does not include job search or job search training as part of a work program.

Months in which the client received prorated benefits do not count toward the 3-month limit. In addition, 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 would be the month of benefits after the exemption ended.

EXAMPLE: An ABAWD who works 25 hours per week loses his job the second week of February. February is not counted toward his 3-month limit.

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EXAMPLE: An ABAWD applies on January 15 and is approved for a prorated allotment. January is not counted towards his 3-month limit.

(4) Issuance Limited Counties (ILC) and Non-Issuance Limited Counties (NILC)

The following are ILC counties and the only ones in which the 3-month limit applies.

| | | | | |
|----------|-----------|---------|------------|--------|
| Berkeley | Harrison | Kanawha | Monongalia | Putnam |
| Cabell | Jefferson | Marion | Morgan | |

All other counties are NILC.

NOTE: When an NILC becomes an ILC, the first month of the customer's 3-month limit is the month in which the county becomes an ILC.

(5) Determining the 36-Month Period

For all individuals, regardless of the county or state of residence, the first 36-month period will begin January, 2016.

Once the 36-month period begins, it remains fixed, regardless of the ABAWD recipient's status or the county or state of residence. While receiving SNAP months without being exempt or meeting the work requirement in another state counts towards the customer's 3-month limit in West Virginia, the worker should only count such months within the current 36-month period.

(6) Regaining Eligibility

An individual whose benefits are denied or terminated under the ABAWD policy can become eligible again when:

- He no longer meets the definition of an ABAWD; or
- He resides in an NILC; or
- He is currently meeting the ABAWD work requirement as specified in item (3) above; or

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- He becomes exempt as specified in item (2) above; or

NOTE: Individuals who regain eligibility by one of the above methods must maintain eligibility monthly by continuing to meet the ABAWD work requirement in item (2) above, by continuing to be exempt, by residing in an NILC or by failing to meet the definition of an ABAWD.

- He has worked 80 hours in a 30-day period or he participates and meets the hour requirements within a 30-day period in employment or training activities.

NOTE: Only individuals who have regained eligibility in this manner qualify for the additional 3-month period described in item (7) below.

- (7) Qualifying for an Additional 3-Month Period Without Meeting the Work Requirement or Being Exempt.

When eligibility is regained by having worked 80 hours in a 30-day period, or by participating for a month in an employment or training program, the individual is eligible to receive SNAP for 3 consecutive months without meeting the work requirement or being exempt. Prorated months do not count toward the 3-consecutive-month limit. This is the last time in the 36-month period that he may be eligible without meeting the work requirement or being exempt.

After this second consecutive 3-month limit expires, he may only become eligible again by complying with the work requirement each month, residing in an NILC, or becoming exempt as specified in item (2) above.

3. Residents Of A Group Living Facility (GLF)

a. Who is An Eligible Resident

A resident of a GLF, as defined in Section 14.2, is eligible when he is:

- Blind; or
- Meets the SNAP program definition of disabled found in Section 12.15,B.

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NOTE: Only the SNAP recipient must meet one of the above requirements, not all of the GLF residents.

If a client receives RSDI, SSI, or any other benefit based on criteria other than disability, and wishes to receive SNAP benefits, he is eligible only if:

- He also meets the definition of disabled found in Section 12.15; or
- He also meets the definition of disabled found in Section 12.15; or
-
- It is a requirement that the resident be disabled or blind to reside in the GLF, and the GLF has determined that the aged client meets its definition of disability or blindness; and
- He is a resident of a non-profit Adult Family Care or Personal Care Home approved by the Division of Children and Adult Services.

b. Determining the AG

The residents of a GLF may each be a separate AG or may be combined in one AG, depending on the wishes of the GLF. When the GLF is the authorized representative, the individuals must be approved as one-person AGs. See Section 14.2.

4. Strikers

When the AG includes an individual who is on strike, the AG is ineligible for the duration of the strike unless:

- The AG was eligible for or receiving SNAP benefits the day prior to the strike; or
- The individual who is participating in the strike is exempt from work requirements for any reason other than employment. Refer to Chapter 13.

To determine if an AG containing a striker is eligible, it is necessary to determine pre-strike eligibility and current eligibility. See Section 10.4,D.

B. THE INCOME GROUP (IG)

The income group includes all AG members and all individuals who live with the AG and would otherwise be included in the AG if not ineligible, disqualified or excluded by law. This includes ineligible ineligible aliens, those excluded by law, disqualified due to an IPV or trafficking SNAP for a controlled substance and those who fail to meet the enumeration requirement. See Section 10.4 to determine how to count the income and deductions.

Ineligible students and individuals who are ineligible due to receipt in another state are not included in the IG.

C. THE NEEDS GROUP (NG)

The income limit for the number of eligible individuals in the AG is used to determine eligibility and the amount of the benefit.

Normally all AG members are included in one case number. However, some SNAP AG members may be eligible for other benefits which, due to data system limitations, must be issued in another case number.

D. EXAMPLES OF AG COMPOSITION**1. Student Eligibility Examples**

EXAMPLE: A WV WORKS mother is a student. She has two children. The only income they receive is their WV WORKS check. The student qualifies for an exception to the restriction on student eligibility because she is a WV WORKS recipient.

EXAMPLE: In a two-person AG, both the husband and wife are students. They meet none of the exceptions to the restriction on student eligibility, so they are not eligible.

EXAMPLE: A man and woman receive WV WORKS and have four children, one of whom is a 21-year-old college student who lives at home. The student meets none of the criteria for an exception to the student policy. The student cannot be included in the SNAP AG, but, if they are otherwise eligible, SNAP benefits can be approved for the husband, wife and the three other children.

EXAMPLE: The situation is the same as the previous example, except that the college student is 17 years old. He is eligible to be included in the SNAP AG because he is under age 18 and not subject to the student policy restrictions.

EXAMPLE: A woman, who is a student, wants SNAP benefits for herself and her 10-year-old child. While the student is at school, her mother who lives across town takes care of the child. The student has the responsibility for the care of a dependent child between the ages of 6 and 12. Adequate child care is available, but because the student is a single parent, she qualifies for participation.

EXAMPLE: A man, woman and their 10-year-old child apply for SNAP benefits. The woman, who is a student, has principal responsibility for care of the child. While she is in school, her mother, who lives across town, takes care of the child. She is only willing to keep her while she is in classes, but not while she works. The man works and there is no other available child care. The student qualifies to be included due to the lack of adequate child care.

EXAMPLE: Same situation as above, except that the grandmother is willing to keep the child for as long as necessary for the woman to work. The exception is not met, so the student cannot receive SNAP benefits.

EXAMPLE: A SNAP AG consists of a 10-year-old child, his mother and his stepfather. The stepfather is a full-time student and is primarily responsible for the care of the child due to the mother's disability. The mother is, however, able to look after the child when the stepfather is in school. The stepfather does not qualify for an exception to the student policy based on caring for a child since adequate child care is available. To be included he must meet another exception.

EXAMPLE: Same situation as above except that the mother is not able to look after the child when the stepfather is in school. There is no other child care available. The stepfather qualifies for an exception based on having principal responsibility for the care of a child between 6 and 12 without adequate child care available.

EXAMPLE: A married woman separates from her husband and she and her daughter move out of the home. The woman is in college full-time, and her mother cares for her 10-year-old child while she goes to school. Because she is a single parent enrolled in school full-time, she qualifies for an exception to the student policy.