



Date: April 11, 2016

DHCAA Operations Memo 16-06

To: Income Maintenance Supervisors  
Income Maintenance Lead Workers  
Income Maintenance Staff  
FSET Agencies  
W-2 Agencies  
Workforce Development Boards  
Job Center Leads and Managers  
Training Staff  
Child Care Coordinators

<b>Affected Programs:</b>	
<input type="checkbox"/> BadgerCare Plus	<input type="checkbox"/> Caretaker Supplement
<input checked="" type="checkbox"/> FoodShare	<input checked="" type="checkbox"/> FoodShare Employment and Training
<input type="checkbox"/> Medicaid	
<input type="checkbox"/> SeniorCare	

From: Michele Dickinson, Interim FoodShare Director  
Bureau of Enrollment Policy and Systems  
Division of Health Care Access and Accountability

**Policy Clarifications for Able-Bodied Adults Without Dependents Exemption for Members Who Are Unfit for Employment**

**CROSS REFERENCE**

- FoodShare Wisconsin Handbook, [Section 3.17.1 Able-Bodied Adults Without Dependents \(ABAWDs\)](#)
- FSET Handbook, [Section 2.2 IM Agency Responsibilities](#), [Section 2.3 FSET Agency Responsibilities](#), [Section 6.2 FSET Participant Status](#); [Section 6.7 Communication With IM Agencies About FSET Participation and Good Cause](#), and [Section 10.2 Appendix B: FSET vs. IM Agency Responsibilities \(Side-by-Side\)](#)
- Operations Memos [14-25](#), [14-27](#), [14-55](#), and [14-56](#)
- 7 C.F.R. § 273.7(b)
- 7 C.F.R. § 273.24

**EFFECTIVE DATE**

Immediately

**PURPOSE**

The purpose of this Operations Memo is to announce policy clarifications for the FoodShare Able-Bodied Adults without Dependents (ABAWD) exemption for members who are unfit for employment. These policy clarifications are based on guidance from the Food and Nutrition Service (FNS) about proper screening and verification of exemptions.

## **BACKGROUND**

As described in Operations Memos 14-25, 14-27, 14-55, and 14-56, Wisconsin implemented eligibility rules to determine exempt or non-exempt ABAWD status for FoodShare members.

Per current policy, a FoodShare member is considered an exempt ABAWD if he or she is an ABAWD who meets at least one of the following criteria:

- Determined unfit for employment, which includes someone who is:
  - Receiving temporary or permanent disability benefits from the government or a private source.
  - Mentally or physically unable to work, as determined by the IM agency.
  - Verified as unable to work by a statement from a health care professional or a social worker.
- Receiving Unemployment Compensation (UC) or has applied for UC and is complying with UC work requirements.
- Regularly participating in an alcohol or other drug abuse (AODA) treatment or rehabilitation program.
- A student of higher education who is otherwise eligible for FoodShare (see [FoodShare Wisconsin Handbook, Section 3.15.1 Student Eligibility](#)).
- A high school student 18 years old or older who is attending high school at least half-time.
- Primary caregiver of a dependent child younger than 6 years old or an incapacitated person.
- Receiving transitional FoodShare benefits.
- Meeting the ABAWD work requirement outside the FoodShare Employment and Training (FSET) program through work and/or other allowable work program participation.
- Employed or self-employed and earning at least the equivalent of the federal minimum wage (\$7.25 per hour) multiplied by 30 hours per week then multiplied by 4.3 weeks per month (equaling \$935.25 gross monthly income). This includes migrant and seasonal workers.

## **POLICY**

### ***EXPANSION OF UNFIT FOR EMPLOYMENT EXEMPTION***

The ABAWD exemption for members who are unfit for employment has been expanded to include members who are experiencing chronic homelessness. A person is chronically homeless if he or she currently lacks a fixed, regular nighttime residence and does not expect to have a regular nighttime residence in the next 30 days. This includes people who are in a temporary housing situation. The unfit for employment exemption due to chronic homelessness will be redetermined at a member's six-month renewal, per [FoodShare Wisconsin Handbook, Section 2.2.1 Certification Periods \(Reviews\)](#).

As a result of the expansion of the unfit for employment exemption, a FoodShare member may now be determined to be an exempt ABAWD due to being unfit for employment if he or she is an ABAWD who meets at least **one** of the following criteria, as determined by the IM agency:

- Is receiving temporary or permanent disability benefits from the government or a private source.
- Is unable to work due to physical or mental challenges, as determined by the IM agency.
- Is verified as unable to work by a statement from a health care professional or a social worker.
- Is experiencing chronic homelessness.

**Example 1:** An IM worker conducts a FoodShare renewal interview over the telephone with Jolene. Jolene explains that she is homeless and currently sleeping at a temporary shelter at night and does not know when she will find permanent housing. The worker determines Jolene is chronically homeless and an exempt ABAWD.

**Example 2:** An IM worker conducts a FoodShare application interview over the telephone with Andrea. Andrea explains that she is homeless and currently sleeping on the couches of three different friends and does not know when she will find permanent housing. The worker determines Andrea is chronically homeless and an exempt ABAWD.

**Example 3:** An IM worker conducts a renewal FoodShare interview over the telephone with Ronald. Ronald explains that he is living at his friend's house, but he is not on the lease and cannot use it as a mailing address. Ronald plans to continue living with his friend. The worker determines that Ronald is not chronically homeless.

### ***DETERMINING AND VERIFYING IF A PERSON IS MENTALLY OR PHYSICALLY UNABLE TO WORK***

An IM worker can determine if a person is unfit for employment due to physical or mental challenges disclosed during a telephone interview or if the agency becomes aware of such challenges. Per direction from FNS, this includes if a FoodShare member displays mental instability, combativeness, or other mental health issues. The IM worker should consider the member unfit for work and document an exemption without requiring verification from a health care professional.

If the unfitness is not apparent and verification from a health care professional is unavailable, the IM worker should make every attempt to verify the unfitness using a collateral contact. The IM worker may use the FSET provider as a collateral contact to assist in the determination of an ABAWD exemption. The IM worker makes the final determination of whether or not to apply an exemption to the member's case.

An IM worker can use any of the following if additional verification is necessary to determine if a person is unfit for employment due to a physical or mental challenge:

- Agency form
- Statement from a health care professional, social worker, or AODA professional
- Upon receipt by using data exchanges
- By using information known to the agency
- Collateral contact
- Other acceptable written statement

**Example 4:** An FSET case manager contacts Paul to schedule his enrollment appointment. Paul says he is unable to participate in FSET activities because he injured his back in a recent car accident. The FSET case manager shares this information with the IM worker. The IM worker calls Paul to discuss his health condition. After this conversation, Paul’s health condition is still not apparent to the worker. The IM worker assists Paul in obtaining additional verification from a health care professional before applying the exemption. Paul continues as a non-exempt ABAWD until the IM agency receives the additional verification.

## CARES

### DISABILITY PAGE

Until CARES Worker Web (CWW) is updated, an IM worker should continue to record that a member is exempt because he or she is unfit for employment on the Disability page in CWW. The IM worker should select **Yes** for the question “Is this individual currently physically or mentally incapable of working?” in the “FSET Exemption” section of the Disability page and then select the appropriate verification code.

### VERIFICATION CODE

Until CWW is updated, if the IM worker determines that a member is unfit for employment because of an apparent condition, including chronic homelessness, the IM worker should select verification code “VO—Visibly Obvious.” If using verification code “VO—Visibly Obvious,” the IM worker must thoroughly document the circumstances in the case comments.

If the FSET agency submits a written document or email to the IM worker as verification, the IM worker should select verification code “OW—Other Acceptable Written Statement.”

If the FSET agency provides verification through a collateral contact, the IM worker should select verification code “CC—Collateral Contact” and thoroughly document the circumstances in the case comments.

FSET Exemption		
Is this individual currently physically or mentally incapable of working?	Yes <input type="button" value="v"/>	Verification: VO - VISIBLY OBVIOUS <input type="button" value="v"/> <input type="button" value="m"/>
* Is a household member needed to care for this person?	<input type="button" value="v"/>	
Caretaker:	<input type="button" value="v"/>	Verification: <input type="button" value="v"/> <input type="button" value="m"/>

Figure 1 “FSET Exemption” Section of the Disability Page

## CONTACTS

BEPS CARES Information and Problem Resolution Center