



Date: January 30, 2017

DMS Operations Memo 17-06

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

Affected Programs:

- | | |
|---|---|
| <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: Rebecca McAtee, Bureau Director
Bureau of Enrollment Policy and Systems
Division of Medicaid Services

Policy Clarifications on Exemptions from the General FoodShare Work Registration Requirements and the Able-Bodied Adults Without Dependents Work Requirement

CROSS REFERENCE

- FoodShare Wisconsin Handbook, [Section 3.16.1 Work Requirements](#), [Section 3.17.1 Able-Bodied Adults Without Dependents \(ABAWDs\)](#), and [Section 3.8.1.2 Disabled Veterans](#)
- 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 Memo [16-06](#)
- 7 C.F.R. § 273.7(b) and 7 C.F.R. § 273.24

EFFECTIVE DATE

Immediately

PURPOSE

The purpose of this Operations Memo is to announce policy clarifications regarding two exemptions from the general FoodShare work registration requirements and the Able-Bodied Adults Without Dependents (ABAWD) work requirement as a result of guidance from the Food and Nutrition Service (FNS).

BACKGROUND

According to current policy, FoodShare applicants and members 16–59 years old are required to comply with the general FoodShare work registration requirements unless they meet an exemption (refer to the [FoodShare Wisconsin Handbook, Section 3.16.1 Work Requirements](#), for more information). In addition, FoodShare members who are ABAWDs are required to comply with the ABAWD work requirement unless they meet an exemption (refer to the [FoodShare Wisconsin Handbook, Section 3.17.1 Able-Bodied Adults Without Dependents \[ABAWDS\]](#), for more information).

Recently, FNS provided guidance on exemptions from the general FoodShare work registration requirements and the ABAWD work requirement for the following:

- People who are unfit for employment
- People who regularly participate in an alcohol or other drug abuse treatment or rehabilitation program

POLICY

Income maintenance workers are required to apply the following policy clarifications starting January 30, 2017.

UNFIT FOR EMPLOYMENT EXEMPTION FOR VETERANS

Applicants or members who do **not** meet the definition of disabled veteran as outlined in [FoodShare Wisconsin Handbook, Section 3.8.1.2 Disabled Veterans](#) but who are receiving Department of Veterans Affairs' (VA) disability compensation at a rating other than total meet the unfit for employment exemption. Income maintenance workers are required to exempt these applicants and members from both the general FoodShare work registration requirements and the ABAWD work requirement.

Note: This clarification does not change the process for determining a disabled veteran or the definition of a disabled veteran (see FoodShare Wisconsin Handbook, Section 3.8.1.2 Disabled Veterans), which are used for determining if an applicant or member is elderly, blind, or disabled.

EXEMPTION FOR PARTICIPATING IN A DRUG ADDICTION OR ALCOHOL TREATMENT OR REHABILITATION PROGRAM

Applicants or members who are participating in either Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) do not meet the exemption for participation in an alcohol or other drug abuse treatment or rehabilitation program. An acceptable treatment program includes a program certified to provide treatment for controlled substance and/or alcohol addiction as any one of the following:

- A medically managed inpatient service
- A medically monitored treatment service
- A day treatment service
- An outpatient treatment service
- A transitional residential treatment service
- A narcotic treatment service for opiate addiction

If an applicant or member has a drug or alcohol addiction that may make employment unobtainable, he or she may be exempt from both the general FoodShare work registration requirements and the ABAWD work requirement as a result of being unfit for employment due to a physical or mental challenge. In such cases, an IM worker should consider the applicant or member unfit for employment and document the exemption. For additional information about the unfit for employment exemption, refer to [Operations Memo 16-06, “Policy Clarification for Able-Bodied Adults Without Dependents Exemption for Members Who Are Unfit for Employment.”](#)

PROCESS

INDICATING THE UNFIT FOR EMPLOYMENT EXEMPTION

For either of the following situations, IM workers are required to update the “FS Work Registrant/ABAWD Exemption” section on the Disability page in CARES Worker Web by selecting Yes for the “Is this individual currently physically or mentally incapable of working?” question:

- An applicant or member does not meet the definition of a disabled veteran as outlined in FoodShare Wisconsin Handbook, Section 3.8.1.2 Disabled Veterans but is receiving disability compensation from the VA
- An applicant or member is mentally or physically unfit for employment because he or she is struggling with addiction

Additionally, for both situations, IM workers are required to select a valid verification code from the Verification menu in order for the exemption from the general FoodShare work registration requirements and the ABAWD work requirement to be applied correctly (refer to the [FoodShare Wisconsin Handbook, Section 1.2.6 Suggested Verification Sources](#), for more information).

Note: As a reminder, IM workers are required to follow this same process if an applicant or member is verified as unable to work by a statement from a health care professional or a social worker or is experiencing chronic homelessness.

FS Work Registrant/ABAWD Exemption

Is this individual currently physically or mentally incapable of working? Yes

Verification: OW - OTHER ACCEPTABLE WRITTEN ST

Is a household member needed to care for this person? No

Primary Caretaker: Verification:

Figure 1 FS Work Registrant/ABAWD Exemption Section on the Disability Page

Note: As a reminder, when Yes is selected for the “Is this individual currently physically or mentally incapable of working?” question, a Yes will display for the “Unable to work?” question in the Disability Summary section of a Pre-Printed Renewal Form or case summary.

Disability Summary						
Person	Unable to work?	Determined blind?	Determined disabled?	Has impairment related work expenses?	Disabled for FS?	Presumptive Disability?
	Yes	No	No	No	No	No

Figure 2 Disability Summary Section on a Pre-Printed Renewal Form/Case Summary

INDICATING A DISABLED VETERAN

As a reminder, if an applicant or member meets the definition of a disabled veteran as outlined in FoodShare Wisconsin Handbook, Section 3.8.1.2 Disabled Veterans, IM workers are required to select Yes for the “Is individual considered disabled for FoodShare (DDB Disabled, Blind, Presumptive Disability, MAPP Disabled, VA Disabled or RRB Disabled)?” question in the “Additional Information” section on the Disability page. Selecting Yes will change the food unit to an Elderly, Blind, or Disabled category and exempt the person from the FoodShare work registration requirements and the ABAWD work requirements.

Disability Cancel Reset

Effective Period

* Begin Month: 09 / 2016 End Month: MM / YYYY Last Updated:

Delete Reason:

Additional Information

* Individual:

* Has individual been established blind by Disability Determination Bureau? Verification:

* Has individual been established disabled by Disability Determination Bureau? Verification:

* Has individual been established Medicaid Purchase Plan (MAPP) disabled by Disability Determination Bureau? Verification:

Presumptive Disability?? Verification:

Presumptive Disability Type:

Presumptive Disability Determination Date: MM / DD / YYYY

* Is individual considered disabled for FoodShare (DDB Disabled, Blind, Presumptive Disability, MAPP Disabled, VA Disabled or RRB Disabled)? Verification:

Figure 3 Additional Information Section on the Disability Page

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CONTACTS

BEPS CARES Information and Problem Resolution Center

DHS/DMS/BEPS/KV