

Impact of the Work Requirement in Supplemental Nutrition Assistance (SNAP) on Low-Income Working-Age People with Disabilities

Employment Policy and Measurement Rehabilitation Research and Training Center
Funded by the National Institute on Disability and Rehabilitation Research (NIDRR)
to Institute on Disability at the University of New Hampshire

Authors:
Michael Morris
Nanette Goodman
Burton Blatt Institute at Syracuse University

August 2014

Impact of the Work Requirement in Supplemental Nutrition Assistance (SNAP) on Low-Income Working-Age People with Disabilities

1. Introduction.....	2
2. Overview of the SNAP Program	4
3. Eligibility.....	5
a. Definition of “Disabled”	5
b. Program-specific eligibility requirements.....	6
c. Categorical Eligibility.....	7
4. Benefit Amount	8
5. The Work Requirement	9
a. General Work Requirement.....	9
b. Additional Requirement for able bodied adults without dependents	9
c. Suspension of the ABAWD work requirement	11
6. Other SNAP program characteristics that affect the enrollment of low-income people with disabilities.....	12
a. Other disability friendly features in SNAP	13
7. Characteristics of working-age SNAP recipients with disabilities	14
8. Conclusion	15
References	17
Appendix	

1. Introduction

Working-age people with disabilities are potentially eligible for a number of means-tested safety net programs. Sometimes the eligibility rules and requirements of these programs interact in ways that can create unintended incentives, at times undermining the goals and effectiveness of these programs. This paper explores the interaction between the Supplemental Nutrition Assistance Program (SNAP) (commonly known as Food Stamps) and the main disability income support programs Social Security Disability Income (SSDI) and Supplemental Security Income (SSI), with particular attention to the possible impact of SNAP’s work requirement.

Applications for SSDI and SSI can be affected by the availability and generosity of means-tested safety net programs. The impact is ambiguous depending on whether the means-tested programs encourage application to SSDI or SSI by increasing the value of these programs or whether they reduce the need to drop out of the labor market and apply for SSDI or SSI in order to receive support (Lindner and Nichols, 2012).

SNAP is one of the largest safety net programs and serves a substantial portion of the population with disabilities. Twenty-two percent of people with disabilities participate in SNAP¹. One in five SNAP households include a non-elderly person with a disability.² As a result, it is critical that the program is designed to encourage beneficiaries with disabilities to remain attached to the labor market and apply to SSI or SSDI only as a last resort.

SNAP was designed to encourage work by incorporating two sets of work requirements.

The first set of work requirements specify that adult SNAP recipients must register for work, participate in an employment and training (E&T) program or a workfare program if assigned to one by the State agency, not voluntarily quit a job, and accept a suitable job offer.

The second set of requirements is more demanding and applies only to “Able bodied adults without dependents” (ABAWDs). The rules require that the recipient work, participate in a qualifying work activity, or participate in workfare for at least 20 hours per week. ABAWDS who do not meet these requirements can be limited to three months of SNAP benefits in a 36-month period.

SNAP recipients with disabilities are exempt from these requirements. However, the program includes two definitions of disability.

SNAP provides special eligibility consideration to individuals who receive federal or state payments based on an SSA disability determination, a disability retirement benefit from a governmental agency, or an annuity under the Railroad Retirement Act; and is either eligible for Medicare or is considered to be disabled based on the SSI rules. A disabled veteran, or a permanently disabled spouse or child of a veteran receiving veteran’s benefits, is also considered to be disabled for SNAP.

An additional definition of disability is embedded in the ABAWD requirements. A state can exempt others who they consider to have an “incapacity to work.” A person is deemed incapable of working if he or she:

“Is obviously mentally or physically unfit for employment as determined by the State agency; or if the unfitness is not obvious, provides a statement from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, a licensed or certified psychologist, a social worker, or any other medical personnel the State agency determines appropriate, that he or she is physically or mentally unfit for employment.”

¹ Houtenville, A.J. and Brucker, D.L (2013) Participation in Safety-Net Programs and the Utilization of Employment Services Among Working-Age Persons With Disabilities. *Journal of Disability Policy Studies.* , 25(2): 91-105. DOI: 10.1177/1044207312474308

² <http://www.fns.usda.gov/sites/default/files/2010Characteristics.pdf> Table 3.3

This definition gives states, localities and case-workers a significant amount of discretion in terms of who is eligible for this exemption.

A provision is made to avoid denying SNAP benefits to ABAWDs who are not able to meet the work requirements because of a scarcity of employment opportunities. In states (or a part of a state) with a high level of unemployment, the work requirement can be suspended. Because of the lingering impact of the 2007-2009 recession, the requirement is currently suspended in 46 states. However, once the economy recovers, these suspensions will be eliminated and ABAWDs will again be subject to the work requirement.

Based on an analysis of the 2012 Current Population Survey, we estimate that 700,000 people with disabilities meet the definition of an ABAWD and thus will be affected by the reinstatement of the work requirement. These are individuals without dependents who have some functional limitation but do not receive SSI/SSDI or other disability benefits.

The program is generally designed quite well for people with disabilities but the discretion that states have in exempting people from the work requirement raises potential concerns about the quality and consistency of its post-recession implementation.

2. Overview of the SNAP Program

SNAP provides benefits to low-income, eligible households on an electronic benefit transfer (EBT) card that can be used to buy food from an authorized retailer. It is the largest nutrition assistance program in the US and one of the largest means-tested safety net programs. In 2013, it served 47.6 million people at a cost of \$79.9 billion. On average, each beneficiary received \$133 in benefits per month (FNS, 2014).

The SNAP program is federally financed and administered by the states. Eligibility requirements, benefit levels and sanctions for non compliance are based on federal rules which offer states certain options in their administration of the program.

SNAP is a household benefit rather than an individual benefit. Eligibility requirements and benefit levels depend on the household's size and the combined income and expenses of all adults in the household.

The history of the program dates back to the 1930's, but it became permanent in the 1960s. By the 1970s participation grew and legislation was enacted to establish national standards of eligibility and basic work requirements. Between the 1970's and mid 1990's the program underwent a number of legislative changes that expanded, contracted and then re-expanded eligibility. In 1996, as part of welfare reform, the food stamp program was revised to include a provision placing a time

limit on receipt of benefits for able bodied adults without dependents who are not working. The benefit amount was also reduced.

For most of its history, the program used paper-denominated "stamps" bound into booklets of various denominations, to be torn out individually and used in single-use exchange. By 2004 all states have replaced the stamps with a debit card system know as Electronic Benefit Transfer (EBT). Each month, SNAP food stamp benefits are directly deposited into the household's EBT card account. Households may use EBT to pay for food at 230,000 supermarkets, convenience stores and other food retailers and the "Food Stamp" program was renamed "Supplemental Nutrition Assistance Program"

SNAP is designed to promote the general welfare and to safeguard the health and well being of the Nation's population by raising the levels of nutrition among low-income households 7. CFR **§271.1 General purpose and scope.** SNAP plays other important roles as well.

First, it cushions the effects of labor market fluctuations by providing support to those who lose their jobs during recessions and those who are relegated to low-wage work. SNAP was the most responsive of all means-tested benefit programs during the recent recession and slow recovery (Rosenbaum, 2013).

Second, it can be thought of as an anti-poverty measure. If its benefits were included in the official measures of income and poverty, SNAP would lift 4 million people out of poverty (DeNavas-Walt et al. 2013).

Third, to the extent that people are eligible for food stamps because of their involvement with other programs, it increases the value of several safety net programs.

3. Eligibility

Federal SNAP law provides two basic pathways for eligibility to the program: (1) program-specific eligibility requirements or (2) automatic or "categorical" eligibility based on eligibility or receipt of benefits from other specified low-income assistance programs. Households with an "elderly or disabled member" are subject to modified eligibility requirements.

a. Definition of "Disabled"

For the purpose of eligibility and exemption from all work requirements the federal rules tie the definition of disability to receipt of income from SSI, SSDI or other federal disability benefits.

Definition of “Elderly or disabled member” from CFR §271.2

Elderly or disabled member means a member of a household who:

1. Is 60 years of age or older;
2. Receives supplemental security income benefits under title XVI of the Social Security Act or disability or blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act;
3. Receives federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act;
4. Receives federally or State-administered supplemental benefits under section 212(a) of Pub. L. 93-66;
5. Receives disability retirement benefits from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act.
6. Is a veteran with a service-connected or non-service-connected disability rated by the Veteran's Administration (VA) as total or paid as total by the VA under title 38 of the United States Code;
7. Is a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound under title 38 of the United States Code;
8. Is a surviving spouse of a veteran and considered by the VA to be in need of regular aid and attendance or permanently housebound or a surviving child of a veteran and considered by the VA to be permanently incapable of self-support under title 38 of the United States Code;
9. Is a surviving spouse or surviving child of a veteran and considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death under title 38 of the United States Code *and* has a disability considered permanent under section 221(i) of the Social Security Act. “Entitled” as used in this definition refers to those veterans' surviving spouses and surviving children who are receiving the compensation or pension benefits stated or have been approved for such payments, but are not yet receiving them; or
10. Receives an annuity payment under: section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 *and* is determined to be eligible to receive Medicare by the Railroad Retirement Board; or section 2(a)(1)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon the criteria used under title XVI of the Social Security Act.
11. Is a recipient of interim assistance benefits pending the receipt of Supplemented Security Income, a recipient of disability related medical assistance under title XIX of the Social Security Act, or a recipient of disability-based State general assistance benefits *provided* that the eligibility to receive any of these benefits is based upon disability or blindness criteria established by the State agency which are at least as stringent as those used under title XVI of the Social Security Act (as set forth at 20 CFR part 416, subpart I, Determining Disability and Blindness as defined in Title XVI).

b. Program-specific eligibility requirements

Monthly income is the most important determinant of a household's SNAP eligibility. Households that are not categorically eligible and do not include a member who is elderly or has a disability must meet two income eligibility standards and an asset standard.

- **Gross income standard:** The household must have a monthly gross income (including most cash income and excluding most noncash income or in-kind benefits) that is at or below 130 percent of the poverty guideline (\$2,552 per month for a family of four in the contiguous United States in fiscal year 2014). Families with members who are elderly or have a disability are not subject to the gross income standard, only to the net income standard.
- **Net income standard:** A household must have net monthly income at or below 100 percent of the poverty guidelines (\$1,988 for a family of four in the contiguous United States in fiscal year 2014). Net income is determined by subtracting a variety of deductions permitted under SNAP from monthly gross income. These deductions include (1) a standard deduction to account for basic unavoidable costs, (2) earned income deduction equal to 20 percent of earnings, (3) dependent care deduction for out-of-pocket dependent care expenses necessary for a household member to work or participate in education or training, (4) child support deduction for legally obligated child support and (5) excess shelter cost deduction calculated as the amount by which the household's housing costs (including utilities) exceed half of its net income after all other deductions. Households with a member who is elderly or has a disability are eligible for a medical expenses deduction for out-of-pocket medical expenses greater than \$35 and a larger excess shelter cost deduction.
- **Assets:** Generally, a household cannot receive benefits if they have \$2,000 in resources (cash, bank accounts and other property). The federal rules give the states flexibility in determining how to count resources so the determination varies by state. For example, a primary home never counts as an asset for purposes of determining resources, but states differ as to whether they exclude some or all of the value of a primary vehicle.

This means that SSI recipients who are living alone are always eligible for SNAP since the SSI income level is lower than the SNAP level. However, since SNAP is based on household income, an SSI recipient living in a non-poor household is not eligible.

In California, SSI recipients are not eligible for SNAP. They receive a State supplement to their SSI benefits in lieu of SNAP benefits.

c. Categorical Eligibility

Categorical eligibility was intended to eliminate the need for households that had already met the financial eligibility rules in one low-income program to go through another financial eligibility determination for SNAP.

Households composed *entirely* of recipients of Supplemental Security Income (SSI), the Temporary Assistance for Needy Families (TANF) block grant, or state-run General Assistance (GA) programs are categorically eligible according to federal law.

States have the option to expand categorical eligibility beyond families that receive a cash benefit to families who receive any TANF “benefit” including, for example, a low-cost TANF-funded benefit or service such as a brochure or referral to an “800” number telephone hotline.

Categorically eligible families bypass the regular SNAP asset limits. However, their net incomes (income after deductions for expenses) must still be low enough to qualify for a SNAP benefit. As of July 2013, 43 jurisdictions have implemented this “broad-based” categorical eligibility.

4. Benefit Amount

The size of a household’s SNAP benefit is calculated based on a maximum benefit amount and the household’s net income. The SNAP maximum benefit is determined annually by the USDA to represent the smallest amount a family could spend on groceries for a nutritionally adequate diet for a given household size known as a “Thrifty Food Plan.” SNAP households are expected to spend 30 percent of their resources on food. Thus households with no net income receive the maximum SNAP benefit and the benefit is reduced by 30 cents for each additional dollar in the household’s net income. In 2014, the maximum monthly allotment was \$200 for a single person and increased by roughly \$150 per person. The average SNAP benefit is, by definition, somewhat lower. (Table 1)

Table 1: SNAP Eligibility and Maximum and Average Monthly Benefit levels, by Household Size, 2014

Household Size	Maximum Monthly Income for Eligibility		Maximum SNAP Allotment*	Average SNAP Benefit**
	Gross Income 130% of poverty *	Net Income 100% of poverty*		
1	\$1,245	\$ 958	\$200	\$150
2	1,681	1,293	367	269
3	2,116	1,628	526	400
4	2,552	1,963	668	486
5	2,987	2,298	793	570
6	3,423	2,633	952	686
7	3,858	2,968	1,052	742
8	4,294	3,303	1,202	922
Each additional member	+436	+335	+ 150	

Sources: *USDA, Food and Nutrition Service, SNAP eligibility <http://www.fns.usda.gov/snap/eligibility>

**Food and Nutrition Service, Characteristics of Characteristics of Supplemental Nutrition Households: Fiscal year 2012. This is the most recent year that average SNAP benefit by household size is available.

5. The Work Requirement

The SNAP program has two types of work requirements—a general work requirement and a more stringent requirement for able-bodied adults without dependents. Generally, people with disabilities are exempt from these requirements but the definition of disability differs between the two requirements.

a. General Work Requirement

The federal legislation includes that provision non-exempt SNAP recipients must

- register for work,
- participate in an employment and training (E&T) or workfare program if assigned to one by the State agency,
- not voluntarily quit a job of 30 or more hours per week, and
- accept a suitable employment offer.

Those who fail to comply with these requirements without good cause are ineligible for program benefits and disqualified from SNAP for one to six months, depending on the number of prior instances of non-compliance. SNAP policy gives States the option to increase the penalties by setting disqualification periods longer than these minimum mandatory periods, making the disqualification permanent upon the third occurrence, or sanctioning the entire household whenever the head of household fails to comply with work requirements.

Several groups are exempt from this requirement including those who are over 60; pregnant; caring for a dependent child under age 6 or an “incapacitated person;” meeting the work requirements of another assistance program or unemployment compensation; taking part in approved drug or alcohol treatment and rehabilitation program, or mental health program; or “being disabled.”

In this context, disability is defined as being “disabled” according to the eligibility rules described above.

b. Additional Requirement for able bodied adults without dependents

A subset of non-exempt adult recipients—those with no dependents referred to as “able bodied adults without dependents” (ABAWDs) —can be limited to three months of SNAP benefits in a 36 month period unless they meet at least one of the following additional work requirements.

- Work for an average of 20 hours per week
- Participate in a qualifying work activity for an average of 20 hours per week,
- Participate in workfare—state or local programs where food stamp recipients perform work for a government or nonprofit agency.

ABAWDs who exhaust their 3 months of benefits and do not comply with the work requirement lose their benefits for the remainder of the 36-month time period. An ABAWD can regain eligibility during this time period by meeting the work requirement for 30 days, after which they remain eligible to receive SNAP for as long as they continue to meet work requirements.

States have the option, but are not required, to offer “at-risk” ABAWDs—those in their third month of eligibility who are at risk of losing their SNAP benefit- a slot in an employment and training program or a workfare program, thereby ensuring that ABAWDs will be able to continue receiving benefits even if they cannot find a job as long as they continue to participate in the work program. Some states “pledge” to serve all such ABAWDs. Others do not. States that “pledge” to serve all ABAWDs in these programs receive extra federal funding for that purpose.

The SNAP law exempts adults under 18 or over 50, parents of children under 18, women who are pregnant and several other groups including those who are “determined by the state to be unfit for work.” In addition, the state can exempt a portion of ABAWDs (up to 15%) from the time limit.

According to the code of federal regulations §273.24 an individual is medically certified as physically or mentally unfit for employment and exempt from the ABAWD work requirement if he or she:

- Is receiving temporary or permanent disability benefits issued by governmental or private sources;
- Is obviously mentally or physically unfit for employment as determined by the State agency; or
- If the unfitness is not obvious, provides a statement from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, a licensed or certified psychologist, a social worker, or any other medical personnel the State agency determines appropriate, that he or she is physically or mentally unfit for employment.

This definition is in contrast to the SNAP general definition, which requires receipt of a government disability-related benefit. It gives the state agency and often-times the caseworker, a significant amount of discretion to determine if an individual is

“obviously unfit” or to inform the recipient that they should seek a statement from a health professional.

We reviewed the SNAP manuals in each state and found that most states allow the case worker to determine if an individual is “obviously unfit for employment.” A few states provide limited direction for the case-workers but most do not. No state addresses the issue of how a case-worker is to decide if someone is “obviously” unfit during a telephone interview.

Many states exempt those who they determine to be unfit for employment from both the general work requirements and the ABAWD requirements.

The language used in each state SNAP manual to define “unfit for employment” is provided in the Appendix to this paper.

c. Suspension of the ABAWD work requirement

With federal approval, the work requirements can be suspended in a state or in an area of the a state with high unemployment which is defined as meeting one of the follow criteria

- Recent average unemployment over 10 percent
- Area has been designated a Labor Surplus Area for the current fiscal year by DOL
- 24-month average unemployment rate 20 percent above national average
- Low and declining employment to population ratio

The American Recovery and Reinvestment Act (ARRA) suspended the ABAWD rule from April 2009 through September 2010. Because of the impact on the recession on employment, nearly all states had statewide waivers between 2011 and 2013. In 2014, the requirement was suspended in 46 states. As a result, ABAWDs, including those who may be considered unfit for work, have not been required to claim an exemption to the ABAWD rule. However, as the economy recovers, these suspensions will be eliminated and the individual exemptions will be the determining factor.

Comparison of General and ABAWD Work Requirements

	General SNAP Work Requirements	Additional ABAWD Requirements
--	---------------------------------------	--------------------------------------

<p>The requirements do not apply to SNAP participants who are:</p>	<ul style="list-style-type: none"> • Under the age of 16 or over the age of 60; • Physically or mentally disabled; • Complying with the work requirements of another program; • Responsible for a child under the age of six; • Already working more than 30 hours a week; • Participating in a drug or alcoholic rehab program • Students enrolled at least half time. 	<ul style="list-style-type: none"> • Exempt from general SNAP work requirements; • Under 18 or age 50 or over; • Living in a household with a child under 18; • Physically or mentally unfit for employment; • Pregnant
<p>Activities that meet the requirements are:</p>	<ul style="list-style-type: none"> • Register for work; • Participate in an SNAP E&T program to the extent required (up to 120 hours); • Participate in workfare if assigned; • Accept suitable employment if offered; and • Do not voluntarily quit a job of 30 or more hours a week or reduce work effort to less than 30 hours per week per week; or 	<ul style="list-style-type: none"> • Working 20 or more hours a week, averaged monthly; • Participating in a work program for 20 or more hours a week; • Combination of working and participating in a work program for 20 or more hours • Participating in a workfare program
<p>The penalty for a failure to comply with the requirements is:</p>	<p>Ineligible for SNAP benefits, anywhere from one month to indefinitely depending on number of occurrences and State policy.</p>	<p>Ineligible for SNAP for the remainder of a 36-month period after exhausting the 3- months of time limited eligibility.</p>

6. Other SNAP program characteristics that affect the enrollment of low-income people with disabilities

SNAP has special rules for people with disabilities. The definition of disability as specified by federal regulations is equivalent to the definition for SSI and other disability benefits. As mentioned earlier, households with members who are elderly

or have a disability need only meet the net income test. They are exempt from gross income and asset limits.

Federal law provides several features to assist recipients with disabilities who are receiving a public disability benefit to obtain SNAP benefits.

Additional deductions: Applicants with disabilities may use two additional deductions in calculating net income. They can deduct any out-of-pocket medical expenses over \$35 and the shelter deduction, which is limited to \$478 for households without a member who is elderly, is unlimited for households with such members.

Separate Household Individuals who are elderly and disabled and cannot purchase and prepare food because of a substantial disability may apply as a separate household as long as the gross monthly income of the remainder of their residential unit is less than 165 percent of the poverty guidelines.

Certification period Households made up of only people who are elderly or who have a disability with a stable income such as SSI or Social Security can be “certified” for SNAP for two years. This is in contrast to other recipients who must update their information every 3-6 months.

Application procedure: Households in which all members are elderly or receiving SSI or SSDI can apply for SNAP at the Social Security office.

a. Other disability friendly features in SNAP

Federal guidelines provide state agencies with various policy options that they can use to customize their programs to better target benefits to those most in need, streamline program administration and field operations, and coordinate SNAP activities with those of other programs (FNS, 2013).

These options apply to SNAP applicants and recipients regardless of their disability status, however some options are particularly useful for people with disabilities. For example, 41 states have aligned their income or resource exclusions with TANF and Medicare in order to reduce the amount that states need to verify. 38 have an online application process. 31 have call centers. 40 have an intake process that is integrated with Medicaid and 18 have a combined application process with SSA for individuals receiving disability benefits (Food and Nutrition Service, 2012).

All states must offer the option of a telephone interview for anyone who faces a hardship in getting to a face-to-face interview. In fact, more and more state agencies are routinely conducting all interviews by telephone. In addition, applicants and recipients have the option to designate a representative if they need help in the application process or in shopping for groceries.

7. Characteristics of working-age SNAP recipients with disabilities

We analyze the Annual Social and Economic Supplement of the Current Population Survey (CPS) that was administered in March 2013.

Although the CPS is the best source of data on disability in conjunction with the receipt of government benefits, previous studies have found that it significantly underestimates the number of SNAP recipients. The number of participants estimated based on the CPS was only 70% of the actual number of participants in 2011 (Tiehan et al., 2013). As a result, the number of recipients reported in Tables 3 and 4 understate the size of each population. However, our analysis focuses on the characteristics of recipients rather than the actual number so the underestimate does not affect our results.

We define “disability” as: (1) having functional difficulty in hearing, seeing, concentrating/remembering/making decisions, walking/climbing stairs, self-care or going out alone (2) work disability or (3) receiving SSI or SSDI because of a disability.

As shown in Table 3, working age SNAP recipients with disabilities are older than adult recipients without disabilities. Almost half (47%) of the recipients with disabilities were over 50 compared with only 14% of those with no disability.

Recipients with disabilities were much less likely to be employed. Over half (54%) of recipients without disabilities were employed at the time of the survey compared to only 12% of those with disabilities. This is particularly striking because even among people with disabilities who were not receiving SSI or SSDI, only 21% were employed.

Recipients with disabilities are less likely to have qualifying children. Only 36% have children compared to 58% of recipients without disabilities.

**Table 3:
Characteristics of SNAP recipients, 2013:
Comparison of recipients with and without disabilities**

	No Disability	Disability		
		Any	No SSI/SSDI	SSI/SSDI recipient
Total	15,513,349	6,684,593	2,984,990	3,699,603
Age				
18-35	56%	23%	27%	20%
35-50	29%	30%	32%	29%

50-65	14%	47%	40%	52%
Income as a percent of poverty				
Less than 50%	24%	19%	34%	8%
50%-100%	28%	40%	28%	50%
100%-125%	11%	12%	10%	13%
125%-150%	9%	9%	7%	9%
Over 150%	28%	20%	21%	19%
Employment Status				
Employed	54%	12%	21%	5%
Unemployed	16%	7%	12%	2%
Not in labor force	30%	81%	67%	93%
Number of children				
No children	42%	64%	56%	70%
One or more children	58%	36%	44%	30%

Source: Author's analysis of Current Population Survey, March 2013

Table 4 explores the characteristics of ABAWDs, SNAP recipients under age 50 with no dependents who are neither working nor receiving SSI or SSDI benefits.

According to the CPS estimate, this group includes 669,051 recipients with disabilities. This is likely under stated by roughly 30%.

ABAWDs with disabilities— those with functional limitations that are not receiving disability benefits—are quite vulnerable. They are older than ABAWDs without disabilities. Over half are 35-50 compared with only 19% of those with no disability. They are also more likely to be living alone than ABAWDs without disabilities.

**Table 4:
Characteristics of Able Bodied Adults without Dependents, 2013:
Under age 50, no dependents, not working, not receiving SSI/SSDI.**

	No Disability	Disability, No SSI/SSDI
Total	2,794,247	669,051
Age		
18-35	81%	50%
35-50	19%	50%
Income as a percent of poverty		
Less than 50%	34%	39%
50%-100%	26%	27%
100%-125%	10%	9%

125%-150%	8%	7%
Over 150%	23%	18%
Employment Status		
Unemployed	36%	23%
Not in labor force	64%	77%
Family Size		
One	30%	42%
Two	16%	25%
Three or more	54%	32%

Conclusion-

A strong safety net for the general population serves two important functions for working age people with disabilities. First, for people with disabilities who are capable of working it can provide a cushion against bumps in the labor market and give people with disabilities the option to remain in labor market (even if their labor market attachment is tenuous) rather than dropping out and applying for SSDI or SSI. Second, for people with disabilities who cannot work, it can provide additional benefits to supplement the relatively low cash assistance provided by disability programs.

People with disabilities often have a tenuous relationship to the labor force or are in low wage jobs. To the extent that government programs support their work effort, they can remain working with support rather than going onto SSDI or SSI. However, a work requirement in SNAP could push people with disabilities with a tenuous relationship to the labor market to abandon work and apply for disability benefits. If they do not do that, they run the risk of losing their SNAP benefits when they are temporarily out of work, at the same time as not qualifying for SSDI or SSI because they are working occasionally. It may be more secure to abandon work, and get SSDI or SSI and categorical SNAP benefits.

Currently this is not an issue, because the work requirement in SNAP remains suspended in over forty states. However, as the economy improves fewer states will have waivers and more people will be affected by the work requirement. Recipients of SSI and/or SSDI or other disability benefits are exempt from this provision. However, the concern remains for individuals with disabilities who are not on Social Security benefits but have a tenuous relationship with the labor market.

More guidance should be provided to the states to help inform case worker decisions regarding who is exempted from the work requirement. Such guidance would offer such individuals with disabilities assistance in explaining career pathways with linkages to skills training and other educational opportunities as an early intervention and alternative to seeking eligibility for Social Security benefits. This requires enhanced awareness for the caseworker and improved coordination

of publically funded services and supports across multiple systems, including higher education, workforce development, and Vocational Rehabilitation.

The concern is that as the economy improves, the structure of the SNAP program may help drive people with disabilities currently working or attempting to work to apply for SSDI or SSI instead. Because of the variance of characteristics of state programs and SSDI or SSI eligibility, and because of the discretion inherent in the system, it is not clear if the size of this effect – given the current levels of SNAP benefits – will be significant. This is an area for future research.

References

DeNavas-Walt, C., Proctor, B.D. & Smith, J.C. (2013). *Income, Poverty, and Health Insurance Coverage in the United States: 2012*. US Census Bureau P60-245. Accessed June 9, 2014 <http://www.census.gov/prod/2013pubs/p60-245.pdf>

Food and Nutrition Services (FNS). (2012) *Supplemental Nutrition Assistance Program, State Options Report, Tenth Edition*. Accessed June 9, 2014. http://www.fns.usda.gov/sites/default/files/10-State_Options.pdf

Food and Nutrition Services (FNS) Supplemental Nutrition Assistance Program Participation and Costs (Data as of May 9, 2014). Accessed June 4, 2014 <http://www.fns.usda.gov/sites/default/files/pd/SNAPsummary.pdf>

Linder, S & Nichols, A (2012). *The Impact of Temporary Assistance Programs on Disability Rolls and Re-employment*. Washington DC: The Urban Institute. Accessed June 9, 2014. <http://www.urban.org/publications/412503.html>

Rosenbaum, Dorothy (2013). *The Relationship Between SNAP and Work Among Low-Income Households*. Center for Budget and Policy Priorities. Accessed June 5, 2014 <http://www.cbpp.org/cms/?fa=view&id=3894>

Tiehen, L., Jolliffe, D., & Smeeding, T. (2013). *The Effect of SNAP on Poverty*. University of Wisconsin-Madison, Institute for Research on Poverty. No. 1415-13. Accessed June 9, 2014. <http://www.irlp.wisc.edu/publications/dps/pdfs/dp141513.pdf>

APPENDIX

This appendix lists the definition of disability used in determining whether an individual is exempt from the ABAWD work requirement based on disability as described in the Administrative code or Program Manuals that guide the implementation or the Food Stamp program in each state.

Because of challenges in collecting the information, it does not include Connecticut, District of Columbia, Georgia, Hawaii, Nevada, New Hampshire, New Jersey, New York, Rhode Island, or West Virginia

Alabama

Alabama Department of Human Resources Food Stamp Division, Administrative Code Chapter 660-4-1-.03 (3)(b)

Medically certified as physically or mentally unfit for employment

Source: <http://www.alabamaadministrativecode.state.al.us/docs/hres/660-4-1.pdf>

Alaska

Alaska Food Stamp Program Manual 602-1 G.2.c.

Incapacitated: Disabled individuals meeting the definition of Special Category Individual at MS 600-2 and individuals who are physically or mentally incapable of engaging in gainful employment. (EIS Code B) If a claim of permanent or temporary disability is questionable, verification must be provided.

MS 600-2 a: Special Category (SPECAT) Individual: An individual who is elderly or disabled as defined by meeting at least one of the following criteria: Is at least 60 years of age by the last day of the month of application; or Receives Supplemental Security Income (SSI) benefits; or

Receives Social Security

or Receives Aid to the Blind or Aid to the Disabled; or Receives Interim Assistance under the Adult Public Assistance Program; or Receives disability retirement benefits from a government agency because of a disability considered permanent under Section 221(i) of the Social Security Act; or Receives an annuity payment under the Railroad Retirement Act and either is determined to be eligible to receive Medicare or is determined to be disabled; or Is a veteran receiving VA compensation payments and has been rated or paid as totally disabled (100 percent) by VA ; or Is a veteran or surviving spouse who has been determined by VA to be permanently house-bound or in need of regular aid in attendance; or Is a surviving child of a veteran and considered by VA to be permanently incapable of self-support; or

Is a surviving spouse or child

compensation for a service-connected death or pension benefit for a non-service connected death under Title 38 of the U.S. Code and has a permanent disability under the Social Security Act.

Source: <http://dpaweb.hss.state.ak.us/manuals/fs/fsp.htm>

Arizona

FAA Policy Manual FAA5.8 08.D.03

A participant who is physically or mentally incapable of engaging in gainful employment is exempt from NA E&T registration.

The claim of disability must be supported by one of the following:

- Verified receipt of temporary or permanent disability benefits. VA disability benefits must be rated or paid as total disability by the Veteran's Administration (VA) to qualify.
- Observation by the EI. Thoroughly document the case file(g) when using this option.
- A written statement that supports the extent and anticipated length of the disability, from a U.S. medically qualified source(g)

Source:

https://extranet.azdes.gov/faapolicymanual/wwhelp/wwhimpl/js/html/wwhelp.htm#href=FAA5/5.A_WORW.02.56.html

Arkansas

SNAP Certification Manual 3230

Household members who are physically or mentally unfit for employment are exempt from the work registration requirements.

See the Glossary definition of "Aged/Disabled." In addition to the individuals who meet the definition of disabled found in the Glossary, the following individuals may be considered disabled:

- Individuals receiving services through Arkansas Rehabilitation Services (ARS).
- Individuals receiving Worker's Compensation or other "sick pay" type benefits.

When a member is not receiving disability benefits, the worker will determine if the member's disability is obvious or if verification is required.

An obvious disability is one where the worker can easily determine that the individual is incapable of gainful employment. Individuals with obvious disabilities include, but are not limited to, individuals who are:

1. Recovering from major surgery within the last six weeks; or
2. Housebound or wheelchair bound.

When the disability is not obvious or an obvious disability is questionable, the household will be asked to furnish verification. Acceptable verification includes, but is not limited to:

1. A statement from a physician or licensed, certified psychologist indicating the cause of disability and, if known, how long the disability is expected to last;
2. A decision by the Medical Review Team that the individual is currently disabled; or
3. Collateral evidence (written or oral) that the individual receives services through Arkansas Rehabilitation Services.

Documentation should appear in the case record regarding:

- a. The nature of any disability which results in an exemption;
- b. Why the exemption was allowed based on this disability;"
- c. The anticipated length of the disability; and
- d. The type of verification obtained if the exemption was verified.

NOTE: Services for disabled individuals are available through Arkansas Rehabilitation Services (ARS). If appropriate, the worker may refer the disabled member to ARS through normal office procedures.

Source

<https://ardhs.sharepointsite.net/DHSPolicy/DCOPublishedPolicy/SNAP3000.pdf>

California

California DSS Manual-Food Stamps 63-407.2 (b)

A person physically or mentally unfit for employment: If mental or physical unfitness is claimed and the unfitness is not evident to the CWD, verification shall be required.

Appropriate verification may consist of receipt of temporary or permanent disability benefits issued by governmental or private sources, or of a statement from a physician or licensed or certified psychologist;

Source; <http://www.cdss.ca.gov/ord/entres/getinfo/pdf/fsman04b.pdf>

Colorado

Department of Human Services, Food Assistance Program, Rule Manual Volume 4B Food Assistance, 10 CCR 2506-1

Persons physically or mentally unfit for employment are exempt from work registration.

If physical or mental unfitness is claimed and is not evident to the food stamp office, verification may be required. Appropriate verification may consist of receipt of temporary or permanent disability benefits issued by government or private sources, or of a statement from a physician or licensed psychologist.

Individuals who are 18 years of age through 50 years of age, who are subject to work requirements as set out in Section B-4215.45, must provide a medical certification of disability.

Source:

<http://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=5531&fileName=10%20CCR%202506-1>

Delaware

Title 16, Health and Safety, Delaware Administrative Code, Department of Health and Social Services, Division of Social Services, 9000 Food Stamp Program

Exempt from work requirement...

An individual who is medically certified as physically or mentally unfit for employment.

This must be verified by a written statement from medical personnel.

Source:

<http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Social%20Services/Delaware%20Social%20Services%20Manual/9000.pdf>

Florida

An individual is medically certified as physically or mentally unfit for employment if he or she:

- a. Is receiving temporary or permanent disability benefits issued by governmental or private sources. This includes persons receiving Social Security Disability, Supplemental Security Income (SSI) due to disability, and 100% disability through the Veterans Administration.
- b. Is obviously mentally or physically unfit for employment as determined by the eligibility specialist. Individuals are obviously unable to participate due to a physical or mental incapacity only if the physical or mental impairment(s) are of such severity that the individual is not only unable to do their previous work but cannot, considering education and work experience, engage in any other kind of substantial gainful work which exists in the national/state/local economy. The eligibility specialist is to record observations used to determine unfitness on CLRC.
- c. If the unfitness is not obvious, it must be verified with a written or verbal statement from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, a licensed or certified psychologist, a social worker, or other medical personnel indicating, the individual is physically or mentally unfit for employment.

Source:

<http://www.dcf.state.fl.us/programs/access/docs/esspolicymanual/1410.pdf>

Idaho

Idaho Administrative Code IDAPA 16.03.04 - Rules Governing the Department of Health and Welfare Food Stamp Program in Idaho

A person is medically certified as physically or intellectually unfit for employment if: (3-15-02)

- a. Receiving temporary or permanent disability benefits issued by a government or private source. (3-15-02)
- b. Obviously intellectually or physically unfit for employment, as determined by the Department. (3-15-02)
- c. The person has a statement from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, licensed or certified psychologist, a social worker, or any other medical personnel the Department determines appropriate, verifying physical or intellectual unfitness for employment.

Source: <http://adminrules.idaho.gov/rules/current/16/0304.pdf>

Illinois

Joint Committed on Administrative Rules, Administrative Code, Title 89: Social Services, Chapter IV: Department of Human Services, Subchapter b: Assistance Programs. Part 121 Supplemental Nutrition Assistance Program, Section 121.4 Individuals exempt from work registration requirements.

Work Exemptions include

5) a person who is temporarily ill or chronically ill;

- A) A person is temporarily ill, when determined by the local office, on the basis of medical evidence (for example, statement from a medical provider) or on another sound basis that the illness or injury is serious enough to temporarily prevent the person from engaging in employment or participating in FSE&T. Minor ailments and injuries such as colds, broken fingers or rashes are not serious enough, normally, to exempt the individual under this criterion. A sound basis for exemption from FSE&T on a temporary basis includes, but is not limited to:
 - i. the observation of a cast on a broken leg; or
 - ii. information, provided by the client, of a scheduled surgery or recuperation from surgery;
- B) A person is chronically ill, as determined by the local office, when a physician or licensed or certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the person from engaging in employment or participating in FSE&T;
- C) When a person is determined either temporarily or chronically ill, the exemption shall continue until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or when the case will be reevaluated to determine whether the exempted person continues to be exempt under the same procedures as

for the initial determination of exemption, with appropriate notice to the person that a reevaluation is necessary.

Source:

<http://www.ilga.gov/commission/jcar/admincode/089/089001210B00240R.html>

Indiana

Indiana ICES Program Policy Manual DFR

2438.15.05.20 Individuals Physically Or Mentally Unfit For Employment (F)

An individual who has a physical or mental impairment resulting from (but not limited to) illness, addiction, injury, or domestic violence which prevents entry into employment or training is exempt from Work Registration. Verification is required if a mental or physical impairment is not evident. If necessary, the eligibility worker should provide information to help the individual obtain the appropriate verification.

Verification may consist of a signed statement from a:

- Physician, physician's assistant, nurse, nurse practitioner, or a designated representative of the physician's office;
- A licensed or certified psychologist, social worker or clinician, or other medical professional.

The signed statement must confirm that the individual is:

- Unable to work due to the specific illness;
- The length of time the individual is expected to be unable to work, or

Proof of temporary or permanent disability benefits issued by government or private sources.

Receipt of benefits for partial disability may only indicate that the individual is not suitable for certain jobs. Other jobs may exist which the individual is physically and mentally capable of handling. In this situation, the individual is not automatically exempt; therefore, determination for Work Registration is to be made on a case by case basis.

Source: <http://www.in.gov/fssa/files/2400.pdf>

Iowa

Employees' Manual Title 7 Chapter C: Food Assistance Non-Financial Eligibility, Revised September 30, 2011

Physically or mentally unfit for work.

The person's condition can be either temporary or permanent. If the person's disability is not readily apparent, you may ask for verification. Verification can include proof such as:

- A statement from a licensed health care professional, or
- Proof that the person is receiving temporary or permanent disability benefits from the government or a private source.

Source: <http://dhs.iowa.gov/sites/default/files/7-c.pdf>

Kansas

NEED TITLE

NOTE: For the purpose of this provision, persons "physically or mentally unfit for employment" does not refer solely to those persons disabled per the disability definition contained in the Definition of Common Terms section. (See Appendix #X6.) If the individual does not receive disability benefits and the claimed disability is not evident, a written statement from a medically-qualified source which supports the extent of the claimed disability will be considered verification for this provision. Follow the criteria in 3230 (2) which requires that there shall be a physical or mental impairment expected to last at least 30 days which substantially limits employment.

A person determined eligible for VR services would meet this criteria. In addition, all recipients of MediKan meet this criteria.

NOTE: Persons who self-declare their disability on the ES-3900 (responding "yes" to question 1 and 4, or 1 and 5) shall be regarded as exempt from the ABAWD provisions. If approved for presumptive disability as either a Medicaid or MediKan, the exemption shall continue until a final Social Security determination is made. If the person fails to meet either Medicaid or MediKan qualifications, exempt status shall end beginning with the month following the month in which the determination is finalized allowing for timely and adequate notice. The person would then be subject to the ABAWD provisions and continued eligibility determined. Benefits provided on the original self-declaration would not be regarded as overpayments nor as ABAWD months.

Source: <http://content.dcf.ks.gov/ees/KEESM/current/keesm2521.htm>

Kentucky

Cabinet for Health and Family Services, Department for Community Based Services, Operation Manual OMTL-386, Volume IIA Supplemental Nutrition Assistance Program (SNAP) Work Requirements.

If a mental or physical disability is claimed and the disability is NOT evident, verification is required.

Document the case record concerning the verification used to support the member's determination of disability. Appropriate verification consists of but is not limited to:

1. Receipt of temporary or permanent disability benefits including SSI or SSA; or
2. [A statement or form FS-704, Statement of Disability or Incapacity, from a physician, a licensed certified psychologist, a chiropractor who is licensed by the Kentucky State Board of Chiropractic Examiners, a social worker, or a certified, licensed health professional commenting on a disability within the realm of his expertise. Answer "Y" to "Verified unable to work" question on KAMES.]

Source: http://manuals.chfs.ky.gov/dCBS_manuals/dfs/voliiia/voliiams1650.doc

Louisiana

Louisiana Administrative Code Title 67

Specifies that individuals who are “medically certified as physically or mentally unfit for employment;” are exempt from work requirements but the rules do not include any further description.

Source: <http://doa.louisiana.gov/osr/lac/67v01/67v01.pdf>

Maine

Department of Health and Human Services, Office for Family Independence, Food Supplement Program, TANF Reference. 7 CFR 272.6 Section: FS-1

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 are sufficient.

Source: <http://www.maine.gov/sos/cec/rules/10/ch301.htm>

Maryland

NEED TITLE

The ABAWD work requirement does not apply to someone that the local department has determined to be medically certified as physically or mentally unfit for employment. The local department will consider someone medically certified as physically or mentally unfit for employment if he or she:

- Is receiving temporary or permanent disability benefits from a public or private source, Is mentally or physically unfit for employment as determined by the observation of the case manager, or
- Provides a statement from a health provider if the unfitness is not obvious."

Source: <https://www.law.umaryland.edu/marshall/dhr/0209.pdf>

Massachusetts

106 CMR: Department of Transitional Assistance, 7/2009, Supplemental Nutrition Assistance Program Nonfinancial Eligibility Standards. 362.320

Persons physically or mentally unfit for employment, either permanently or temporarily, are exempt. Appropriate verification includes but is not limited to:

- a) receipt of temporary or permanent disability benefits from a government or private source;
- b) a written, dated and signed statement from a competent medical authority that the person is physically or mentally unfit for employment;
- c) participation in a Massachusetts Rehabilitation Commission program or other Massachusetts-approved vocational rehabilitation program.

Source: <http://www.mass.gov/eohhs/gov/laws-regs/dta/106-cmr-320-367.html>

Michigan

State of Michigan, Department of Human Services, Bridges Eligibility Manual, Employment-related activities FAP, BEM 230B.

Defer persons incapacitated due to injury, physical illness or mental illness. Verify a reason for deferral only if it is not obvious and the information provided is questionable (unclear, inconsistent or incomplete).

Sources that may be used to verify questionable information are:

SSI/RSDI/MA approval or receipt based on disability or blindness. For SSI and RSDI, use one of the sources referenced in FIP policy, Care of Disabled Spouse or Disabled Child, in BEM 230A.

- An evaluation signed by a fully licensed psychologist that the client has an IQ of 59 or less.
- Statement from an M.D./D.O./ P.A that the person is unable to work.
- The DHS-54A
- Medical Needs; DHS-49, Medical Examination Report; DHS-49-D, Psychiatric/Psychological Examination Report; or another written statement is acceptable.
- BPB 2013-016

Source: <http://www.mfia.state.mi.us/olmweb/ex/BP/Public/BEM/230B.pdf>

Minnesota

SNAP E&T MANUAL 7/2012

Having a mental or physical illness, injury, or incapacity which is expected to continue for at least 30 days, and which impairs the participant's ability to obtain or retain employment as evidenced by professional certification or the receipt of temporary or permanent disability benefits issued by a private or government source.

Professional certification means a statement about a person's illness, injury, or incapacity that is signed by a licensed physician, psychological practitioner, or licensed psychologist, qualified by professional training and experience to diagnose and to certify the person's condition. Pregnancy does not routinely exempt a participant unless professional certification specifies that the person is incapacitated. See 0010.18.06 (Verifying Disability/Incapacity - SNAP).

"Additional verification acceptable for exemption from work requirements and for verifying that a student is an eligible student. (Disability must last 15 days or more.)

They are:

Certification for receipt of any of the benefits listed above, or from any government or private source, whether the benefits or disability are permanent or temporary.

A statement from a licensed physician or psychologist."

Source:

http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=cm_00101806#

Mississippi

Mississippi Food Stamp Policy 4/1/06

Individuals are exempt from the ABAWD provisions if they are: physically or mentally unfit for employment, (recipients of disability payments or a doctor's statement of unfitness for employment when the disability is not apparent or is questionable)

Source: <http://www.mdhs.state.ms.us/media/72378/SNAP-Manual.pdf>

Missouri

Missouri Food Stamp Manual 1102.015.00 Verification required at initial application.

When an EU [Eligibility Unit] member claims they are unable to work due to a temporary disability and the disability is not obvious to the worker, request a doctor's statement to verify the disability. Enter the appropriate work assessment code for the individual on the Work Assessment (FMMS) screen, but do not show the individual as disabled on the Disabled (FMMX) screen.

Enter the appropriate verification code and record any comments on the DISABLED (FMMX) screen in FAMIS. If the disability is tied to a particular payment paid only to those who are totally disabled (SSA disability, SSI, etc.) verification of the income is enough to verify the disability. Some income types are received by individuals who are not 100% disabled (VA payments not for a total disability, SSA retirement, etc.) and verification of the type of income or the disability must be provided. Enter the appropriate code once the verification is received.

NOTE: Disabled EU members must be coded as disabled, have a valid disability reason for food stamps, and the disability must be verified on the Disabled (FMMX) screen before FAMIS will recognize the person as being disabled. Valid disability verification codes are hard copy (HC), telephone call (TC), and collateral contact (CC). If an EU member claims a disability but verification of the disability is not entered, the application does not pend when disability is the only factor not verified. The application is processed with no verification of disability. FAMIS treats the unverified disability as no disability.

Source: <http://dss.mo.gov/fsd/iman/fstamps/1102-015-00.html#1102.015.35>

Montana

Department of Public Health and Human Services, Supplemental Nutrition Assistance Program (SNAP) Section: Work Registration, Subject: Subject:Work Registration Exemptions 10/1/2009, supercedes FS 701-1 (05/01/08)

Individuals physically or mentally unfit for employment.

If physical or mental incapacity is claimed and the incapacity is not evident to the OPA Case Manager, verification is required. Appropriate verification may consist of

entitlement to temporary or permanent disability benefits issued by government or private sources; receipt of Vocational Rehabilitation services, Workmans' Compensation payments or Developmental Disability services; or a statement from a physician or a licensed or certified psychologist or psychiatrist. Since eligibility workers are not licensed to diagnose mental disorders, all such claims must be verified by a licensed practitioner (WORF code: 'DI').

If the individual is waiting for Workmans' Compensation, Vocational Rehabilitation or Developmental Disability eligibility determination, they are not in receipt of services and therefore must provide medical documentation before an exemption can be given.

NOTE: When verification is required, it should indicate that the individual is unable to work an average of 30 hours a week and the approximate length of time the individual will be unable to work an average of 30 hours a week. Restrictions on working do not mean the individual is unable to work.

Individuals with a current SSI application pending with the Social Security Office (WORF code: 'DI'). If SSI has been denied but SSDIB is still being considered, the exemption will need to be determined based on the conditions in number 4 above. As long as an SSI appeal is pending for SSI, the application is considered current.

Individuals approved by Social Security for disability payments, either SSI or SSDIB (WORF code: 'DI').

NOTE: Remember to set the 'D' indicator for the disabled individual on SEPA.

NOTE: All protected health information received for eligibility purposes must be handled according to the HIPAA Manual.

Source: NEED URL

Nebraska

Nebraska Health and Human Services Manual, Food Stamps 475 NAC 3-Manual Letter # 21-2005 January 3, 2005

A person who is physically or mentally unfit for employment.

Verification may be required if a disability is claimed but is not evident to the worker. If a disability is evident, the worker documents this in the case record. The individual is considered disabled if s/he receives one of the following:

- a. Retirement, Survivors and Disability Insurance (RSDI) or Supplemental Security Income (SSI) based on disability;
- b. A statement from the Veteran's Administration indicating inability to work;
- c. Medical Assistance based on disability;
- d. A statement from the individual's physician or licensed certified psychologist indicating inability to work; or

- e. Temporary or permanent disability benefits from other government or private sources.

Source: 3-001.04A Work Requirement Exemptions <http://www.sos.ne.gov/rules-and-regs/regsearch/Rules/Health and Human Services System/Title-475/Chapter-3.pdf>

New Mexico

8.139.410 New Mexico Administrative Code (NMAC), Title 8: Social Services, Chapter 139: Food Stamp Program, Part 410 General Recipient Requirements-Nonfinancial Eligibility Criteria.

an individual who is physically or mentally unfit for employment; if physical or mental unfitness is claimed but not evident, verification is required; verification may consist of receipt of temporary or permanent disability benefits issued by government or private sources, or a statement from a physician or licensed or certified psychologist;

Source: 8.139.410.12 D(2)

<http://www.nmcpr.state.nm.us/nmac/parts/title08/08.139.0410.htm>

North Carolina

title

D. Physically or Mentally Unfit for Employment (Work Registration Code B) A llow
 this exemption for any mentally or physically disabled individual, including FNS unit members who receive Veteran’s Administration disability classified as unemployable but not 100 percent service or non-service connected. This code does not allow a medical deduction or an uncapped shelter deduction. A w om an w ho is

obviously pregnant is not necessarily unfit for employment or disabled. A doctor’s statement of a temporary disability is required.

NOTE: Verify the disability if the person does not receive a disability payment. A statement from a physician, nurse, nurse practitioner, designated representative at a doctor’s office, or other medical personnel deemed appropriate, or a licensed or certified psychologist is required. The DSS-8655, Report of Medical Examination, may be used to obtain verification of a mental or physical disability.

Source: 240.02 Exemptions from work requirements.

http://info.dhhs.state.nc.us/olm/manuals/dss/ei-30/man/FSs240.htm#P13_82

North Dakota

5. Individuals physically or mentally unable to work. If the physical or mental incapacity is obvious and known to the worker, it should be documented in the case file and no further verification is needed.

If the physical or mental incapacity is not obvious or known to the worker, verification is required.

Examples:

1. A physician's statement.
 2. A statement from a licensed or certified psychologist or psychiatrist.
 3. Application for, receipt of, or entitlement to temporary or permanent disability benefits.
 4. Individuals who are appealing a SSA or SSI denial.
 5. Individuals who are accepted and actively involved in services through Vocational Rehabilitation as verified by Vocational Rehabilitation. Exemptions from Work Source: Requirements 430-05-40-10
- <http://www.state.nd.us/robo/projects/foodstamp/foodstamp.htm>
-

Ohio

- (2) Determined by the county agency to be medically certified as physically or mentally unfit for employment. An individual is medically certified as physically or mentally unfit for employment if he or she is:
- (a) Receiving temporary or permanent disability benefits issued by governmental or private sources; or
 - (b) Obviously mentally or physically unfit for employment as determined by the county agency; or if the unfitness is not obvious, provides a statement from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, a licensed or certified psychologist, a social worker, or any other medical personnel the county agency determines appropriate, that he or she is physically or mentally unfit for employment.
- Source: <http://codes.ohio.gov/oac/5101:4-3-20>
-

Oklahoma

- (3) Physically or mentally incapacitated.

Persons who are physically or mentally incapable of gainful employment on a permanent or temporary basis and food benefit applicants participating in federal or state programs based on disability are considered exempt. Other persons claiming exemption as unfit for employment must, in the absence of physical evidence, obtain documented evidence from medically qualified sources to substantiate a disability. Persons claiming temporary disability are required to register when they become able to accept employment.

Source: 340:50-5-86. Persons exempt from work registration

<http://www.okdhs.org/library/policy/oac340/050/05/0086000.htm>

Oregon

The SNAP rules say "An ABAWD who does not meet one of the exemption criteria in OAR 461-130-0310(2) must do one of the following, as designated in his or her Department-approved plan."

One of the exemption criteria in OAR 461-130-0310 is "An individual with a physical or mental condition that prevents performance of any work." but does not specify how that is determined

Source:

http://arcweb.sos.state.or.us/pages/rules/oars_400/oar_461/461_130.html

Pennsylvania

Supplemental Nutrition Assistance Program Employment and Training Policy.

Exempt if It is demonstrated that the individual is unable to become employed in that occupation due to changes in physical/mental status.

Source: **535.1**

South Carolina

Recipients of SSI and persons who are physically or mentally incapable of engaging in gainful employment. If a claim of permanent or temporary disability is questionable, verification must be provided.

Source: <https://dss.sc.gov/content/library/manuals/snap.pdf>

South Dakota

South Dakota Food Stamp Certification Manual, Revised October 2005 Section 3320.5 MENTALLY OR PHYSICALLY UNFIT [ABAWD]

Individuals who are physically or mentally unfit for employment are exempt from ABAWD time limits.

If a mental or physical disability is claimed and the disability is not evident to the worker, proof is required.

Evidence of temporary or permanent disability from governmental or private sources, such as Social Security and SSI, or a statement from a physician or licensed or certified psychologist, are acceptable proof.

Prudent worker judgement, with Supervisory consultation, if needed, will make the incapacity determination.

The DICT team should not be involved in this decision. If an individual has applied for permanent disability from governmental or private sources, the application may be considered acceptable proof until the application is processed (denied, approved, etc.).

Source: <http://dss.sd.gov/foodstamps/FSManual/index.htm>

Tennessee

(b) unfit for employment or work programs

 medically certified as physically or mentally unfit for employment or

 unfit based upon the eligibility worker's observations (can be physically or mentally unfit), a doctor's statement is not required and it does not have to be for a specific length of time. This should be documented in the running record.

Source: http://tn.gov/humanserv/adfam/fs_olm/10.1%20Exemptions.htm

Texas A—1822.1 E&T Exemptions

A—1821.1.1 Claiming Exemption Due to Disability of Self

Revision 09-1; Effective January 1, 2009

Form H1836-A, Medical Release/Physician's Statement, must be obtained to verify a personal disability due to illness, injury or pregnancy. In order for an individual to receive an exemption from Choices requirements due to illness or injury, the disability must be expected to last more than 180 days. A pregnancy-related disability does not have to last any specific length of time.

Note: Receipt of Social Security benefits based on disability or Veterans Affairs (VA) disability benefits is not an automatic disability exemption for Choices.

A new Form H1836-A must be obtained when the form in the file is more than six months old.

If the Form H1836-A on file at the time of review is less than six months old but will reach the six month period during a new certification period, advisors must:

- request a new Form H1836-A at the time of the review; or
- set a special review six months from the date Form H1836-A is signed to request a new Form H1836-A.

Example: The individual has a current Form H1836-A dated in July on file. The advisor interviews the individual for a periodic review in October. Form H1836-A is current at the time of the interview. The advisor may request a new Form H1836-A at the interview or set a special review for December to request a new Form H1836-A.

The following Choices exemption codes require a completed Form H1836-A:

- T – pregnant and unable to work, and
- E – unable to work due to a mental or personal disability and the disability is expected to last more than 180 days.

Note: If the medical provider fails to complete Part B or Part C for a Temporary Assistance for Needy Families individual but indicates that the individual is permanently disabled or temporarily disabled for more than 180 days, the individual meets the criteria for a Choices exemption.

Source:

<http://www.dads.state.tx.us/handbooks/TexasWorks/A/1800/1800.htm#secA-1820>

Utah

Utah Administrative Code

The Department administers the Food Stamp Program in compliance with federal law with the following exceptions or clarifications:

Administrative rules include a number of additional exemptions from employment and training programs including:

- (vi) are not appropriate for E and T as determined by a manager or designee;
- (viii) are low functioning/have developmental disabilities/are socially dysfunctional and who have obvious functional limitations that are a substantial handicap to employment;
- (xii) are in the application or appeals process for SSI;
- (xvii) are participating in a program with a Department partner such as case

management by Vocational Rehabilitation, or are participating in a Title V or Choose to Work program.

Source: <http://www.rules.utah.gov/publicat/code/r986/r986-900.htm#T2>

Vermont

Vermont Department For Children and Families, Economic Services Division, Food Stamp Rules.

ii A person physically or mentally unfit for employment. If mental or physical unfitness is claimed and the unfitness is not evident to the State agency, verification may be required. Appropriate verification may consist of receipt of temporary or permanent disability benefits issued by governmental or private sources, or of a statement from a physician or licensed or certified psychologist. 273.7(b)

Source: <http://humanservices.vermont.gov/on-line-rules/esd/group-food-stamp-rules/view>

Virginia

Virginia Department of Social Services, SNAP Manual

j. Persons who are obviously physically or mentally incapacitated. When disability is not obvious or the individual does not attend the eligibility interview or other office visit, proof of the disability may be established by the approval for or receipt of disability benefits. See Definitions. Also, approval for or receipt of benefits such as TANF, GR, Medicaid, or Workers Compensation based on a disability which has been verified by that program will be considered as proof of disability. Other individuals claiming a disability exemption must substantiate such disability by a medical statement from a licensed medical provider or licensed or certified psychologist or by approval for or receipt of benefits upon verification of same, such as an insurance company.

Source: VOLUME V, PART VIII A. WORK REGISTRATION AND SNAP EMPLOYMENT AND TRAINING 1. j. <http://www.dss.virginia.gov/benefit/fs/manual.cgi>

Washington

DSHS Manual

If a client claims to be physically or mentally unable to work, verify the claim when questionable by:

Proof of permanent disability benefits issued by a public or private source; or
A statement from a doctor, licensed or certified psychologist, nurse, nurse practitioner, designated representative in a doctor's office, or any other medical personnel that is appropriate.

Source:

<http://www.dshs.wa.gov/manuals/eaz/sections/FoodAssistanceWorkReq/BFETabawds.shtml#388-444-0035>

Wisconsin

State of Wisconsin, Department of Health Services, FoodShare Wisconsin Handbook. Release 14-02

An ABAWD is not subject to time limited benefits if at least one of the following exemptions is met:

Is determined unfit for employment, which includes someone who is:

- a. Receiving temporary or permanent disability benefits from the government or a private source;
- b. Mentally or physically unable to work, as determined by the IM agency.
- c. Verified as unable to work by a statement from a health care professional or social worker;

Source: <http://www.emhandbooks.wisconsin.gov/fsh/fsh.htm>

Wyoming

4. Physically or mentally unfit for *employment* as verified by:
 - a. Receipt of temporary or permanent disability benefits issued by governmental or private sources (see [Section 200, "Disabled"](#) definition);
 - b. A determination of incapacity (preferably using the *DFS 110*) which is completed by the individual's licensed physician, psychologist or master's level mental health worker;
 - c. A visual determination of a physical disability by the Benefit Specialist as documented in the *case record*;
 - d. Cooperating with the Department of Employment/DVR in the application process for services; or
 - e. Cooperating with SSA in the *SSI* application process.

Source: SNAP - 7 CFR 273.7; ARW, Chapt. 2, Section 4

<http://www.thresholdcomputer.net/d>