

**WISCONSIN DEPARTMENT OF HEALTH SERVICES**  
**Division of Medicaid Services**  
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**Madison WI 53703**

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To: FoodShare Handbook Users

From: Jori Mundy, Bureau Director  
Bureau of Eligibility and Enrollment Policy

Re: **FoodShare Handbook Release 22-02**

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<b>EFFECTIVE DATE</b>	The following policy additions or changes are <b>effective 08/01/2022</b> unless otherwise noted. <b>Underlined text denotes new text. Text with a strike through it denotes deleted text.</b>
<b>POLICY UPDATES</b>	
<b>1.2.1.3 Responsibility for Verification</b>	Updated ABAWD policy/FNS requirements.
<b>1.2.3.5 Wisconsin Residency Verification</b>	Updated ABAWD policy/FNS requirements.
<b>1.2.3.10 Huber Law</b>	New section.
<b>1.2.4.1 Gross Countable Income Verification</b>	Updated ABAWD policy/FNS requirements.
<b>1.2.6.1 Required Verification to Determine Eligibility</b>	Updated ABAWD policy/FNS requirements.
<b>1.2.6.2 Verify Only If Questionable</b>	Updated ABAWD policy/FNS requirements.
<b>2.1.3.2.1 Required Interview Topics</b>	Updated FoodShare Basic Work Rules and Requirements.
<b>2.1.3.3 Use of an Authorized Representative</b>	Updated with clarification on signatures.
<b>2.1.7 Confirming the FoodShare Eligibility Determination in CARES</b>	Updated terms for basic work rules.
<b>2.2.1.4 Renewal Processing Time Frame</b>	Updated grammar.
<b>3.10.1 Strikers</b>	Updated terms for basic work rules.
<b>3.15.1 Student Eligibility</b>	Updated terms for basic work rules.
<b>3.16.1 Work Requirements</b>	Updated terms for basic work rules.
<b>3.17.1 Able-Bodied Adults Without Dependents (ABAWDs)</b>	Updated ABAWD policy and rearranged sections.
<b>3.2.1.2 Temporary Absence</b>	Section rewritten.
<b>3.2.1.2.2 Incarceration and Huber Law Prisoners</b>	Updated policy for Huber Program under Temporary Absences.
<b>3.4.1 Dual Membership and Duplicate Benefits</b>	Updated ABAWD policy.
<b>4.2.1 Categorical Eligibility</b>	Updated terms for basic work rules.
<b>4.4.1.6.1 Period of Ineligibility</b>	Updated asset limits.
<b>4.6.4.1 Allowable Medical Expenses</b>	Updated with clarification on Health Share contributions.
<b>4.7.5 Prorated Deeming</b>	Updated ABAWD policy.
<b>4.7.6 Gross Deeming</b>	Updated links.
<b>5.1.1.2 TFS Benefit Calculation</b>	Clarified Tribal TANF policy.
<b>7.1.1.4 Minimum Allotment for One or Two Person Food Units</b>	Updated minimum allotment amount.

## Contents

1.2.1 Verification Introduction.....	5
1.2.1.3 Responsibility for Verification.....	5
1.2.3 Non-Financial Verification .....	6
1.2.3.5 Wisconsin Residency Verification .....	6
1.2.3.10 Huber Law .....	8
1.2.4 Financial Verification .....	9
1.2.4.1 Gross Countable Income Verification .....	9
1.2.6 Suggested Verification Sources .....	10
1.2.6.1 Required Verification to Determine Eligibility .....	10
1.2.6.2 Verify Only If Questionable .....	15
2.1.3 Interviews .....	18
2.1.3.2.1 Required Interview Topics.....	18
2.1.3.3 Use of an Authorized Representative .....	20
2.1.7 Confirming the FoodShare Eligibility Determination in CARES .....	22
2.2.1 Certification Periods (Renewals).....	23
2.2.1.4 Renewal Processing Time Frame.....	23
3.2.1 Residence .....	26
3.2.1.2 Temporary Absence .....	26
3.2.1.2.2 Incarceration and Huber Law Prisoners .....	29
3.4.1 Dual Membership and Duplicate Benefits .....	31
3.10.1 Strikers.....	33
3.10.1.1 Striker Exceptions.....	33
3.10.1.2 Termination of a Strike.....	33
3.10.1.3 Eligibility on the Day before a Strike .....	34
3.10.1.4 Pre-Strike Income .....	34
3.15.1 Student Eligibility .....	35
3.16.1 FoodShare Basic Work Rules .....	40
3.16.1.1 Background.....	40
3.16.1.2 FoodShare Basic Work Rules.....	40
3.16.1.3 Exemptions from the FoodShare Basic Work Rules .....	42
3.16.1.4 Registering for Work .....	43
3.16.1.4.1 Basic Work Rules Interview Requirements .....	44
3.16.1.5 Sanctions for Noncompliance .....	45

3.16.1.6 Sanction Period .....	46
3.16.1.6.1 At Application .....	47
3.16.1.6.2 Ongoing.....	48
3.16.1.7 Good Cause.....	49
3.16.1.8 Ending a Sanction Event .....	51
3.16.1.9 Sanctions and Fair Hearings.....	53
3.17.1 FoodShare Work Requirements for ABAWDs.....	54
3.17.1.1 Able-Bodied Adults Without Dependents (ABAWDs).....	55
3.17.1.2 FoodShare Work Requirement .....	55
3.17.1.2.1 Definition of Working for FoodShare Work Requirement for ABAWDs .	56
3.17.1.2.2 Additional ABAWD Reporting for FoodShare Work Requirement .....	56
3.17.1.3 Determining Exemptions From the FoodShare Work Requirement.....	57
3.17.1.4 Verification of Work Hours and Exemptions From FoodShare Work Requirement.....	59
3.17.1.5 Three Countable Months of Time-Limited FoodShare Benefits (TLBs) .....	61
3.17.1.6 The Three-Year Period (FoodShare Clock) .....	62
3.17.1.7 Regaining Eligibility After Exhausting Three Months of Time-Limited Benefits .....	64
3.17.1.8 Three Additional Months of FoodShare Benefits .....	66
3.17.1.9 Countable Months From Another State .....	67
3.17.1.10 ABAWD Status and Referral Type.....	68
3.17.1.11 FSET Participation and FoodShare Eligibility for ABAWDs .....	79
3.17.1.12 Adjusting the FoodShare Clock Page .....	80
3.17.1.13 FoodShare Clock System Updates and Statuses .....	83
4.2.1 Categorical Eligibility .....	86
4.2.1.1 Categorical and Broad-Based Categorical Eligibility Introduction .....	86
4.2.1.2 Case Processing.....	87
4.2.1.3 Special Circumstances .....	88
4.2.1.4 Transitional FoodShare Benefits.....	88
4.2.1.5 Elderly, Blind, or Disabled Food Units .....	89
4.4.1.6.1 Period of Ineligibility .....	90
4.6.4.1 Allowable Medical Expenses .....	91
4.7.5 Prorated Deeming .....	94
4.7.6 Gross Deeming .....	96
5.1.1 Transitional FoodShare Benefits (TFS).....	97

5.1.1.2 TFS Benefit Calculation .....	97
7.1.1 Allotments .....	98
7.1.1.4 Minimum Allotment for One or Two Person Food Units.....	98

# 1.2.1 Verification Introduction

## 1.2.1.3 Responsibility for Verification

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7 CFR 273.2(f)(5)

The applicant or member has primary responsibility for providing required verification, unless specified, and for resolving any discrepancies or questionable information. The local agency must assist the applicant or member in obtaining this verification, provided that the applicant or member ~~has not~~hasn't refused to cooperate with the application process.

IM workers ~~are responsible~~ have responsibility for verifying information such as:

- Out-of-state SNAP participation
- Fleeing felon or probation and parole violator status
- Out-of-state intentional program violations (IPVs)
- Social Security Income and Medicare
- Immigration status
- WHEAP (State database verified upon receipt)
- Out-of-state time-limited benefit months (TLBs)

If all attempts to verify the information have been unsuccessful because the person or organization providing the information has failed to cooperate with the applicant or member and agency (for example, by charging a fee or refusing to complete a verification form), and all other sources of verification are unavailable, determine an amount to be used for certification purposes based on the best available information. Clearly document ~~the~~ attempts to obtain verification and the reasoning for the estimate that is used. Best available information may include an oral or written statement. In the instance of out-of-state TLBs, best available information may include a lack of response by the other state within the standard processing timeframe.

# 1.2.3 Non-Financial Verification

## 1.2.3.5 Wisconsin Residency Verification

7 CFR 273.2(f)(1)(vi)

Address, Wisconsin residency, and household composition are separate and distinct eligibility factors with different verification requirements (see [3.2.1 RESIDENCE](#)).

Verification of the primary person's Wisconsin residency is required at application and, if questionable, at renewal for FoodShare eligibility, with an exception for homeless and migrant workers.

Wisconsin "residency" refers to residing or living in Wisconsin, but is not limited to any specific type of housing, place of residence, living arrangement, or address.

- State residency (~~living in Wisconsin~~) is a condition of eligibility that can be verified through a number of acceptable documents from the applicant, a collateral contact, or another source, and must not be limited to a single type of document.
- If the address on the application is not a fixed Wisconsin ~~mailing~~ address and there is no additional information presented at the time of the interview to verify that the applicant resides in Wisconsin, the IM worker should attempt to obtain verification of ~~state~~ State residency.
- Applicants or households already receiving other programs of assistance, such as BadgerCare Plus, have already been determined to be living in Wisconsin. No further action is required to determine if the applicant is ~~living in Wisconsin~~ a state resident.

Note: Persons on vacation in Wisconsin are not residents of Wisconsin.

Example 1:	Mary is applying for FoodShare. She refuses to provide any information regarding where she is living. Mary claims she is not homeless, not a migrant <u>worker</u> , and she is not participating in the Safe at Home program. Mary only provides a PO Box for her mail. No other information on Mary's application establishes her Wisconsin residency. Mary's application should be pended and a request for verification sent.
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Example 2:	Trent is currently open for health care. On November 13, Trent completes a program add for FoodShare. When the worker starts to process the new FoodShare request, all <del>of</del> the information collected from the health care application is in the case. Wisconsin residency is verified, and not questionable due to receiving health care. Receiving another program of assistance is a valid verification source for Wisconsin residency.
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Example 3:	Joe was homeless at the time of his application. When Joe is completing his renewal (month <del>6</del> <u>six</u> ), he reports he is no longer homeless and <del>now living at 1212 N. Union Street, Berlin,</del> <u>provides his Wisconsin-based address.</u> There is no need to request verification of <del>WI Residency</del> <u>Wisconsin residency</u> since he <del>is stating</del> <u>states</u> he is living in Wisconsin and there is no <del>other</del> indicator <del>that</del> this would be questionable.
Example 4:	Bethanie's household consists of herself and her two children. The children are currently open for health care. When Bethanie completes a program add for FoodShare, <u>her Wisconsin residency is not questionable (it is verified)</u> because it is not questionable <del>that</del> her children live with her; <del>Bethanie's Wisconsin Residency is also not questionable (it is verified) due to her children</del> <u>and they are already</u> receiving health care.

### Exception

~~An exception exists~~ Residency verification isn't required for ~~verifying the residency of homeless:~~

- Applicants newly arrived in Wisconsin.
- Homeless persons (3.2.1.3 HOMELESSNESS) and migrant farm workers ((see SECTION 3.2.1.3 HOMELESSNESS).
- FoodShare members temporarily absent from the food unit (see SECTION 3.2.1.2 TEMPORARY ABSENCE).
- Migrant worker applicants (see Section 2.1.4.3 Eligibility for Migrant Workers). ~~Do not require residence verification for homeless persons or migrant applicants newly arrived in Wisconsin.~~

### Questionable at renewal

An IM worker may become aware of information that makes Wisconsin residency questionable at the time of renewal. For example a new hire match is received showing the current employer is out of state and the member address listed with the employer is out of state. Clarify the information received through the data exchange with the member, and pend for verification if necessary.

Example 5:	Susan reports a change of address and new employment at her renewal. Her new employer is located in Illinois, but the address on her pay stub matches the address she provided. State residency is not questionable.
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## **1.2.3.10 Huber Law**

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Applicants and members who are incarcerated but allowed to leave jail under the Huber Law can become or remain eligible for FoodShare if the reason for the release is to return home to care for their minor children (see SECTION 3.2.1.2.2 INCARCERATION AND HUBER LAW PRISONERS).

To qualify for the Huber Law exemption, verification that the applicant or member is returning home to care for minor children is required. Verification may include court documents, jail documents, or other written or verbal verification provided by court or jail staff (see SECTION 1.2.6.1 REQUIRED VERIFICATION TO DETERMINE ELIGIBILITY).

If the verification shows that the person is allowed to leave jail under the Huber Law for a different reason, they are not eligible for the Huber Law exemption.



## 1.2.4 Financial Verification

### 1.2.4.1 Gross Countable Income Verification

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7 CFR 273.2(f)(1)(i)

Gross countable income, regardless of the amount, must be verified for all food unit members prior to certification. Verify income for all food unit members through documentary evidence or collateral contact.

Documentary evidence is written confirmation of a food unit member's circumstances; examples include wage statements or check stubs, rent receipts, utility bills, and employment verification forms. Although documentary evidence should be the primary source of verification, acceptable verification cannot be limited to only this type of source and may be obtained through the member or other sources. Other sources may include collateral contacts (see Section 1.2.2.2 Collateral Contacts) which are oral confirmations of a member's circumstances by a person outside of the food unit.

If all attempts to verify the income have been unsuccessful because the person or organization providing the income has failed to cooperate with the applicant/member and agency (for example, by charging a fee or refusing to complete a verification form), and all other sources of verification are unavailable, determine an amount to be used for certification purposes based on the best available information. Clearly document the attempts to obtain verification and the reasoning for the estimate that is used.

# 1.2.6 Suggested Verification Sources

## 1.2.6.1 Required Verification to Determine Eligibility

7 CRF 273.2(f)

Verification Item	Suggested Verification Sources
Immigration Status	<ul style="list-style-type: none"> <li>• SAVE</li> <li>• INS or USCIS Alien Registration Card (Permanent Residence Card, Green Card, Form I-551)</li> <li>• Naturalization certificate</li> <li>• SSA query to verify work quarters</li> <li>• Military services papers</li> <li>• Military Affidavit (<a href="#">F-02431</a>) CWW manual letter: Imm ROP: Military</li> <li>• Other Immigration letters and certification of status documents (trafficking victims, battered immigrant)</li> </ul>
Wisconsin Residency	<ul style="list-style-type: none"> <li>• Current rent receipt that must show address</li> <li>• Current mortgage receipt</li> <li>• Current lease agreement</li> <li>• Landlord inquiry</li> <li>• Current utility bill with address and responsible person's name</li> <li>• Check stub with current address</li> <li>• Driver's license</li> <li>• Home visit</li> <li>• Subsidized housing authority approval</li> <li>• Post office statement or collateral contact</li> <li>• Library card</li> <li>• Voter registration</li> <li>• Piece of mail received at claimed residence</li> <li>• Real estate tax statement or receipt</li> <li>• Weatherization program approval or denial</li> <li>• Renter or homeowner's insurance documents</li> <li>• School registration record</li> <li>• Letter from employer offering job</li> <li>• Telephone book</li> <li>• Motor vehicle registration</li> <li>• List of residents from a treatment center official, group home, etc.</li> <li>• Written statement <del>from non-relative</del></li> </ul>

	<ul style="list-style-type: none"> <li>• Legal or government issued document with name and address</li> <li>• Bank Statement with name and address</li> <li>• Mobile phone bill with name and address</li> <li>• DMV Data Exchange</li> <li>• Data Exchange for individuals receiving State SSI benefits</li> <li>• Verified through another program</li> <li>• Collateral contact</li> </ul>
<p>Monthly Gross Income</p>	<p>Earned Income:</p> <ul style="list-style-type: none"> <li>• Dated check stubs from the previous 30 days with the employee's name or ID number</li> <li>• Earnings report or statement from employer</li> <li>• IEVS report or computer match from another state - to be used only if no other form of verification exists. IEVS matches are not verification of the income an employee has earned. IEVS is an indicator that income was earned from that employer sometime during the three months of the work quarter identified. For change reporting requirements, see <a href="#">Section 6.1.1 Change Reporting for All Food Units (Simplified Reporting)</a>.</li> </ul> <p>Unearned Income:</p> <ul style="list-style-type: none"> <li>• Department of Workforce Development unemployment query</li> <li>• Pension statement</li> <li>• SSA's WTPY report</li> <li>• Current award letter</li> <li>• Current SSA or SSI check</li> <li>• Collateral contact with the employer, SSA, insurance company</li> <li>• IEVS report or computer match from another state - to be used only if no other form of verification exists. IEVS matches are not verification of the unearned income. IEVS is an indicator that unearned income was received sometime during the three months of the quarter identified.</li> </ul> <p>For self-employment or farm income and expenses:</p> <ul style="list-style-type: none"> <li>• Income tax return from the previous tax year</li> <li>• Self-Employment Income Report Form(s) (SEIRF)</li> <li>• Bookkeeping records</li> </ul>
<p>Primary Person's ID**</p>	<ul style="list-style-type: none"> <li>• Birth record query</li> </ul>

	<ul style="list-style-type: none"> <li>• Birth certificate</li> <li>• IEVS match</li> <li>• SSA (SOLQ/SOLQ-I matches)</li> <li>• Baptismal certificate</li> <li>• Military service papers</li> <li>• Immigration or naturalization papers</li> <li>• Consular ID - Consular identification (CID) cards are issued by some governments to their citizens who are living in foreign countries. A consular ID is an allowable identity verification type valid for FoodShare and should be coded as PH – Photo ID</li> <li>• Hospital birth record</li> <li>• Adoption record</li> <li>• Passport or US citizen ID card</li> <li>• Family bible</li> <li>• Paycheck</li> <li>• Wage stubs</li> <li>• Driver's license <u>or Government ID</u></li> <li>• Completed SS-5</li> <li>• Confirmation or church membership papers</li> <li>• Voter registration card</li> <li>• Family records (birthday books, genealogy, newspaper birth announcement, marriage license, support or divorce papers)</li> <li>• Employee ID card</li> <li>• Life insurance policy</li> <li>• School records (ID, report cards, diploma)</li> <li>• State/federal or Indian census records</li> <li>• Medical records (vaccination certificate, doctor's or clinic's records, bills)</li> <li>• Other social service program ID (when another program of assistance has already verified ID, ID for FoodShare requirements is complete)</li> <li>• Labor union or fraternal organization records</li> <li>• Court order of name change, marriage certificate, or divorce certificate</li> <li>• <del>Voter's registration card</del></li> <li>• If verified for another program of assistance, no additional verification required</li> </ul>
Disability/Blindness	<ul style="list-style-type: none"> <li>• Statement or collateral contact from VA disability benefits</li> <li>• Statement, check, or collateral contact from Social Security Administration</li> <li>• Statement or collateral contact that proves a person receives a Railroad Retirement disability annuity and</li> </ul>

	<p>also qualifies for Medicaid</p> <ul style="list-style-type: none"> <li>• Statement or collateral contact</li> <li>• Statement that a person receives Interim Assistance benefits pending the receipt of SSI and SSDI</li> <li>• Statement or collateral contact that proves that an individual receives general assistance and meets the SSA guidelines for a disability</li> <li>• Data exchange with SSA/SSI</li> </ul>
<p><u>ABAWD/FoodShare Work Requirement Exemptions*</u></p>	<ul style="list-style-type: none"> <li>• Agency form, such as form <a href="#">F-01598</a> Medical Exemption from Work Requirement for ABAWDs</li> <li>• Statement from health care provider, social worker, or AODA service provider</li> <li>• <del>Employer form/paystub/tax document/EVF-E</del></li> <li>• Data exchanges</li> <li>• By using information made known to the agency including in-person agency verification of a visibly obvious ABAWD status or exemption, such as pregnancy or inability to work due to a temporary or permanent health condition</li> <li>• IM worker determination that the member is unfit for employment without requiring a statement or additional verification</li> <li>• Information known to the agency</li> <li>• Collateral contact</li> <li>• Other acceptable written statement</li> </ul>
<p><u>ABAWD Hours Worked</u></p>	<ul style="list-style-type: none"> <li>• <u>Employer form/paystub/tax document/EVF-E</u></li> <li>• <u>Written statement from the employer, work program, or volunteer site</u></li> <li>• <u>Employer, work program, or volunteer site collateral contact</u></li> </ul>
<p><u>ABAWD Countable Months in Another State</u></p>	<ul style="list-style-type: none"> <li>• <u>Any form of communication from the agency administering SNAP in the other state (phone call, email, written form)</u></li> </ul>
<p><u>Huber Status</u></p>	<ul style="list-style-type: none"> <li>• <u>Agency Form</u></li> <li>• <u>Court Order</u></li> <li>• <u>City or County Records</u></li> <li>• <u>Lawyer Statement or Record</u></li> <li>• <u>Other Acceptable Written or Verbal Statement from jail staff</u></li> </ul>

\*If an ~~ABAWD~~ exemption from the ABAWD/FoodShare Work Requirement is not verified, the exemption will not be applied, and the member will be treated as an

ABAWD with a TLB referral type.

\*\*Information may only be verified once; additional request for verification is prohibited.

## 1.2.6.2 Verify Only If Questionable

Verification Item	Suggested Verification Sources
<a href="#">Dependent Care*</a>	<ul style="list-style-type: none"> <li>• Written statement from provider</li> <li>• Cancelled check</li> <li>• Collateral contact with provider</li> <li>• Paid receipt or bill</li> <li>• Collateral contact with child care worker (Wisconsin Shares)</li> <li>• Receipts or bills for costs associated with care such as additional fees, field trips, camps, supplies, transportation</li> </ul>
<a href="#">Shelter / Utility Expense*</a>	<ul style="list-style-type: none"> <li>• Mortgage payment records</li> <li>• Rent receipt</li> <li>• Statement from landlord</li> <li>• Lease</li> <li>• HUD subsidized housing approval</li> <li>• Property tax statement</li> <li>• Real estate agreement</li> <li>• Canceled check for rent or utility payment</li> <li>• Statement from person(s) with whom the food unit shares shelter costs</li> <li>• Utility bill</li> <li>• Utility budget amounts</li> <li>• Statement from utility company</li> <li>• Landlord inquiry</li> <li>• Deferred payment agreement</li> <li>• Firewood receipt</li> <li>• Telephone bill</li> <li>• Documented collateral contact with landlord or utility company</li> <li>• Statement or receipt from landlord for utilities paid by landlord</li> <li>• Homeowner's insurance policy or billing statement</li> <li>• Statements from collateral contact</li> <li>• WHEAP/LIHEAP or other energy assistance</li> </ul>
SSN**	<ul style="list-style-type: none"> <li>• Social Security Card</li> <li>• Form 1610 (I-D)</li> <li>• Form SS-5 – Application for a Social Security Card</li> <li>• Form 2583</li> <li>• Tax documentation (W-2, tax return form, refund check)</li> <li>• SSA documents such as award/denial letter or SSA/SSI benefit check</li> <li>• SOLQ-I search</li> </ul>
Age	<ul style="list-style-type: none"> <li>• Birth certificate</li> <li>• IEVS match</li> </ul>

	<ul style="list-style-type: none"> <li>• Baptismal certificate</li> <li>• Military service papers</li> <li>• Immigration or naturalization papers</li> <li>• Hospital birth record</li> <li>• Adoption record</li> <li>• Passport or U.S. citizen ID card</li> <li>• Driver's license</li> <li>• Family records (birthday books, genealogy, newspaper birth announcement, marriage license, support or divorce papers)</li> <li>• Life insurance policy</li> <li>• School records (ID, report cards, diploma)</li> <li>• State/federal or Indian census records</li> <li>• Wisconsin birth query</li> </ul>
Relationship	<ul style="list-style-type: none"> <li>• Birth record query</li> <li>• Birth certificate</li> <li>• Baptismal certificate</li> <li>• Military service papers</li> <li>• Immigration or naturalization papers</li> <li>• Hospital birth record</li> <li>• Adoption record</li> <li>• Family Bible</li> <li>• Confirmation or church membership papers</li> <li>• Family records (birthday books, genealogy, newspaper birth announcement, marriage license, support or divorce papers)</li> <li>• Life insurance policy</li> </ul>
Household Composition	<ul style="list-style-type: none"> <li>• Written or oral statement from a third party</li> <li>• FoodShare Buy and Make Food Separately (<a href="#">F-02491</a>) signed by applicant indicating food is purchased and prepared separately from other household members</li> </ul>
School Enrollment Status	<ul style="list-style-type: none"> <li>• Report card</li> <li>• Collateral contact with school authorities</li> <li>• Current school schedule</li> <li>• Enrollment letters</li> <li>• Financial aid papers</li> <li>• Literature from the school (brochure or online program information)</li> <li>• Collateral contact with Job Center of Wisconsin, FSET, or an employment agency</li> </ul>
Huber Status	<ul style="list-style-type: none"> <li>• <del>Agency Form</del></li> <li>• <del>Collateral Contact</del></li> <li>• <del>Court Order</del></li> <li>• <del>City or County Records</del></li> <li>• <del>Lawyer Statement or Record</del></li> </ul>



• ~~Other Acceptable Written Statement~~

\* Lack of verification will not affect eligibility, but the deduction will not be allowed.

\*\*Information may only be verified once; additional request for verification is prohibited.

### Household Misfortune Replacement Benefits

Lost or destroyed  
food

- Power outage map
- Statement from utility company
- Statement from insurance company
- Report from fire department
- Disconnection notice
- Receipt from purchase of replacement freezer or refrigerator
- Landlord statement
- Non-household member collateral statement
- Statement from community organization

## 2.1.3 Interviews

### 2.1.3.2.1 Required Interview Topics

All FoodShare interviews must include a discussion of ~~these~~ the following items in addition to standard financial and non-financial criteria:

- Use of SSNs (see Section 3.13.1 Social Security Number (SSN) Requirements.)
  - SSN is required for each individual requesting benefits unless they meet an a religious exemption.
  - SSNs are used for data matching. Data matches are used to check that you can get and keep getting benefits.
- FoodShare rights and responsibilities. ~~See~~ (see Your Rights and Responsibilities for FoodShare (F-10150B).)
- Appropriate application processing standard time frames for non-expedited (see Section 2.1.2 Application Processing Timeframes) and expedited benefits (see Section 2.1.4 Expedited Service at Application.)
- Applicable change and simplified reporting requirements (see Section 6.1.1 Change Reporting for All Food Units (Simplified)) at the time of the interview:
  - How changes can be reported
  - What changes must be reported
  - When changes must be reported
- Six-month reporting (see Section 6.1.2 Six Month Reporting Requirement) and/or renewal (~~2.2.1 CERTIFICATION PERIODS (RENEWALS)~~) reporting. (see SECTION 2.2.1 CERTIFICATION PERIODS (RENEWALS))
  - How to obtain assistance in completing the six-month report form
  - When the six-month report form will be sent
  - When the report form is due
  - Changes that must be reported on the six month report form:
    - Address and shelter and utility costs associated with the move
    - Household composition
    - Income
    - Court-ordered child support payments for a non-household member
    - Consequences for failing to file a report
- QUEST card information.
- ~~Explain work registration rights and responsibilities, work requirements, and exemptions (3.17.1 ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWDS))~~.
- ~~Worker Script found here:~~ Explanation of FoodShare Basic Work Rules (see SECTION 3.16.1 FOODSHARE BASIC WORK RULES) and FoodShare Work Requirements (see SECTION 3.17.1 FOODSHARE WORK REQUIREMENTS FOR ABAWDS), if the food unit includes an applicant or member subject to a work requirement

- IM workers must identify which applicant(s) or member(s) are subject to FoodShare basic work rules and FoodShare work requirements and provide the following information:
  - An explanation of each work rule and applicable work requirement
  - Information on exemptions from each applicable work rule and work requirement
  - An explanation of the process to request an exemption, including contact information to request an exemption
  - FoodShare rights and responsibilities
  - What is required to maintain eligibility under each work rule and applicable work requirement
  - Consequences for failure to comply with each work rule and applicable work requirement
  - An explanation of the process for requesting good cause, including examples of good cause circumstances and contact information to initiate a good cause request
  - Information on the FoodShare Employment and Training Program (FSET) and benefits of FSET participation if the food unit includes an individual subject to the FoodShare Work Requirements
  - Information on the status of the time limit of the FoodShare Work Requirement if the household lives in an area or on tribal lands where the time limit of the FoodShare Work Requirement is waived
- The appropriate sections of the "[FoodShare Basic Work Rules and FoodShare Work Requirements Script for IM Workers](#)" must be read to meet the above requirements.
- ~~Explain ABAWD work requirements and exemptions. (3.17.1 ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWDS)).~~
- Discuss the FSET program and offer voluntary referrals to FSET to eligible FoodShare members.
- At the end of the call, the "[Reporting Requirements Call Script](#)" must be read.

## 2.1.3.3 Use of an Authorized Representative

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7 CFR 273.2(n)

The local agency must inform applicants and prospective applicants, who indicate that they may have difficulty completing the application process, that a non-food unit member may be designated as the authorized representative for application processing purposes. The authorized representative designated for application processing purposes may also carry out food unit responsibilities during the certification period, such as reporting changes in the food unit's circumstances. ~~If an authorized representative applies on behalf of a household, the identity of both the authorized representative and the primary person must be verified. An authorized representative must be designated by the primary person in writing before he or she is authorized to take action on a case. When an authorized representative completes an application or renewal for the food unit, they also register the food unit for work (3.16.1.4 REGISTERING FOR WORK).~~

An authorized representative applying on behalf of a household must:

- Have their identity verified, along with the primary person.
- Be designated by the primary person in writing before they are authorized to take action on the case.
- Register the food unit for work when completing the application or renewal for the food unit (see SECTION 3.16.1.4 REGISTERING FOR WORK).

The designation of a representative requires a signature from a witness. An individual declared incompetent by a court cannot act as a witness for a signature.

A non-food unit member may be designated as an authorized representative for the food unit provided that the person is:

1. An adult who is sufficiently aware of relevant food unit circumstances, and
2. The authorized representative designation has been made in writing by the primary person, spouse, or another responsible adult member of the food unit. The authorized representative designation may be made in ACCESS or by completing form [F-10126A](#) for an individual or [F-10126B](#) for an organization.

The following groups may not serve as authorized representatives:

- Individuals who are disqualified for an Intentional Program Violation (IPV) (3.14.1 Intentional Program Violation (IPV) Disqualification) cannot serve as authorized representatives during the disqualification period, unless the agency has determined that no one else is available to serve as an authorized representative.
- Homeless meal providers may not act as an authorized representative for a homeless food unit.
- Agency employees who are involved in the certification process or issuance process may not act as an authorized representative. Special written approval may be granted by the State of Wisconsin in extenuating circumstances.

- Retailers who are authorized to accept FoodShare benefits may not act as an authorized representative, with the exception of some group living facilities (sections in [3.2.1.5 GROUP LIVING ARRANGEMENT](#)).

Residents of drug addiction or alcoholic treatment and rehabilitation programs that are certified as authorized retailers by FNS or authorized to receive funding under part B of title XIX of the Public Health Service Act (42 U.S.C 300x et seq), which supports block grants for substance abuse prevention and treatment, must apply and be certified for FoodShare eligibility through the use of an authorized representative. The drug addiction or alcoholic treatment and rehabilitation program must employ an individual for the purpose of being the authorized representative.

Residents of group living arrangements have the option to apply and be certified through the use of an authorized representative independent of the facility or who is an employee of the facility. A residential group living facility must employ an individual to be the authorized representative. When the member is discharged from a residential treatment program, the facility authorized representative must be removed from the member's case.

See [3.2.1.5 GROUP LIVING ARRANGEMENT](#) for additional information regarding these housing situations.

If the state agency has determined that an authorized representative has knowingly provided false information about a food unit's circumstances or has made improper use of FoodShare benefits, it may disqualify that person from being an authorized representative for up to one year. Any drug and alcohol treatment centers and the heads of group living arrangements that act as authorized representatives for their residents and intentionally misrepresent food unit circumstances may be prosecuted under applicable federal and state statutes.

**Note:**

Applicants/members that have a court-appointed guardian due to incompetency do not need to designate an Authorized Representative. The court-appointed guardian is the authorized representative. The guardian must submit a Letter(s) of Guardianship.

## 2.1.7 Confirming the FoodShare Eligibility Determination in CARES

Before confirming FoodShare eligibility, IM workers must ensure ~~that~~ the correct eligibility determination has been made. A check of individual eligibility details of the non-financial results and the budget details are essential. Some items to consider are:

1. Are verifications complete?
2. Are correct household members included in the food unit/FoodShare assistance group?
3. Is the assistance group established correctly as EBD no earnings or Regular FoodShare for reporting rules?
4. Is correct income used?
5. Are correct expenses and deductions allowed?
6. Have the correct individuals been identified as work registrants?
7. Have the correct individuals been identified as ABAWDs?
8. Has the interview been completed? The application cannot be denied before the end of the 30-day processing period unless the interview is complete.
9. If benefits are denied, is the denial reason correct?

If so, confirm the FoodShare eligibility, document case comments in CWW, and process a referral to the FSET program, if applicable (~~3.16.1 WORK REQUIREMENTS~~ (see [SECTION 3.16.1 WORK REQUIREMENTS](#))).

## 2.2.1 Certification Periods (Renewals)

### 2.2.1.4 Renewal Processing Time Frame

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The 30-day processing time frame for a renewal is not the same as it is for applications. The 30-day renewal processing time frame refers to the renewal month. In other words, a renewal must be processed and confirmed by the last day of the renewal month, with two exceptions:

1. The IM agency is unable to complete the interview by the last day of the renewal month and delays the interview once, ~~or~~.
2. There is an agency-caused delay, ~~(for example,~~ allowing 10 days for verification~~).~~

When there is an agency-caused delay, the IM worker should document in [CARES CWW](#) the reason for the late renewal and set the FoodShare program request date for the first of the month so that benefits are not prorated.

The FoodShare case will close effective the last day of the renewal month at adverse action of the renewal month if renewal is not completed, including confirmation. The local agency and the FoodShare member have until the end of the renewal month to complete renewal.

FoodShare that closes at renewal may reopen without requiring a new application under specific conditions. Allow FoodShare to reopen at renewal if the requested action to resolve ineligibility is completed in the month following the end of the current certification period, as long as the interview was timely.

- An interview must be completed within the renewal month of the current certification period to be considered timely. If the food unit fails to complete a timely interview, FoodShare will close effective the last day of the renewal month at adverse action and a new FoodShare application is required.
- If FoodShare closes for lack of verification after a timely renewal and the food unit takes the required action within the calendar month following the certification period, the agency shall reopen FoodShare and prorate benefits from the date the food unit took the required action. The new certification period will begin the month after the month the renewal was due.
  - The food unit must be allowed 10 days to provide verifications. If the verification due date is in the month following the renewal month, IM workers should identify whether the closed FoodShare case may be reopened or a new application is needed ([Process Help 3.13.4](#) (see [Process Help 3.13.4 Break in Service at Renewal](#))).
- If FoodShare closes for lack of signature after a timely renewal and the food unit returns the signature page within the calendar month following the certification period, the agency shall reopen FoodShare and prorate benefits from the date the food unit returns the signature page. The new certification period will begin the month after the month the renewal was due.

- If FoodShare closes due to agency delay in scheduling completing the interview or the food unit contacts the agency within the renewal month and is not available to complete the interview until ~~the end of~~ after the renewal month, benefits shall be restored back to the first of the month to ensure ongoing benefits, as long as verification is timely.

<p>Example 3</p>	<p>Holly completes a timely FoodShare renewal on July 12, but does not have verification of her wages from Marigold's. Holly's IM worker, Jeff, issues a request for verification of earned income. Holly fails to provide verification and her case closes effective July 31.</p> <p>On August 5, Holly provides verification of her wages. Jeff changes the date on the FoodShare <u>Request Break in Service</u> page to August 5 and issues prorated benefits from August 5 through August 31. Holly's <del>previous</del> FoodShare certification period <del>ended on July 31. Her new certification period runs from August 5 to July 31</del> <u>remains unchanged</u>.</p> <p>If Holly had responded timely to Jeff's request for verification and submitted her verification in July, but Jeff did not process the verification until August, benefits would have been issued back to August 1, <del>due to</del> Jeff's late processing.</p>
<p>Example 4</p>	<p>Tom's FoodShare renewal is due by June 30. He completes his interview on June 27 and has verification due July 7. Tom provides the requested verification on July 5. Although Tom's case closed effective June 30 due to lack of completed renew/verification, his FoodShare case is reopened with a certification period beginning July 1. Benefits are not prorated and he is not required to submit a new application.</p>
<p>Example 5</p>	<p>Ruby calls her IM worker on August 21 to schedule a FoodShare renewal but the only appointment available is not until September 4. Ruby completes her renewal but does not have verification of her wages from Sunny's Craft House. Ruby's IM worker, Kim, issues a request for verification of earned income with a verification due date of September 14. Ruby submits the necessary verification on September 10. Because Ruby submitted her verification timely (within 10 days) and because the agency was unable to complete the interview in August, Kim issues benefits to Ruby back to September 1.</p> <p>Had Ruby submitted the necessary verification after September 14, Kim would not issue benefits back to the first but only to the date verification was submitted.</p>
<p>Example 6</p>	<p>Tricia's FoodShare assistance group has a FoodShare certification period ending June 30.</p>



	<p>Tricia completed a telephone interview on June 17. The signature page is not returned timely and FoodShare close June 30. Tricia returns the signature page on July 14. FoodShare reopens without requiring a new FoodShare application. Benefits are prorated from July 14, with a new certification period from July 14 to June 30.</p>
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## 3.2.1 Residence

### 3.2.1.2 Temporary Absence

~~Include in the food unit an individual temporarily absent from the food unit when the expected absence is less than two full consecutive calendar months past the month of departure. Some examples are absence due to illness or hospitalization, employment, and visits.~~

~~To be considered temporarily absent, one must meet ALL of the following conditions:~~

- ~~1. The individual must have lived with the food unit immediately before the absence,~~
- ~~2. The individual intends to return to the home, and the food unit must maintain the home for him or her,~~
- ~~3. If the absent person is a child, the caregiver of the absent child is responsible for the child's care and control when the child returns to the home, and~~
- ~~4. If the absent person is an adult caring for a child, the adult must still be responsible for care and control of the child during their absence.~~

A FoodShare member or household is considered temporarily absent when they are out of the home for an extended period of time (there is no time limit) yet return home. A member or household can either stay in Wisconsin or in another state during their temporary absence. Examples of a temporary absence include, but are not limited to, illness or hospitalization, employment, caring for someone outside of one's home, child visitation schedules, and extended vacations.

A member or household's temporary absence status is re-evaluated at renewal.

<u>Note:</u>	<u>Do not require verification of Wisconsin residency for individuals or households claiming to be temporarily absent.</u>
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Individuals are no longer considered temporarily absent, but rather ineligible for FoodShare in Wisconsin, when:

- An individual notifies the IM agency that they no longer reside in Wisconsin
- Another state determines an individual a resident in that state for SNAP eligibility

#### Additional Considerations

- Residential Drug and Alcohol Treatment Programs - ~~EXCEPTION:~~ When a ~~food unit~~ member ~~participates~~ in a residential drug and alcohol treatment, the member is considered temporarily absent for the duration of their treatment ~~unless they want to use FoodShare benefits at the treatment facility.~~

- Homelessness - Temporary absence policy does not apply to homeless individuals and homeless households. (Residency for homeless individuals and homeless households remains not questionable if they claim they are a Wisconsin resident and another state has not considered them a resident.
- Attending School - Persons absent due to attending school are no longer included in the food unit and need to apply for their own benefits. If the individual is attending school in another state, they need to apply for their own benefits in that state.
- Institution – Persons that have resided in an institution for more than 30 days are not temporarily absent. Additionally, if a medical institution attests that the person will be likely to stay more than 30 days, they too are not temporarily absent.
- Hospitalized Newborn - Infants who remain hospitalized for an extended period of time should be added to the food unit.
- Nesting Agreement - Parents temporarily absent due to a nesting agreement should be included in the food unit.

~~Attending school – Persons temporarily absent due to attending school are no longer included in the food unit.~~

~~Hospitalized newborn – Infants who remain hospitalized for an extended period of time should be added to the food unit, even if the absence is greater than two consecutive months.~~

~~Nesting agreement – Parents temporarily absent due to a nesting agreement should be included in the food unit.~~

<p><b>Example 6</b></p>	<p><u>John receives FoodShare but had to go to Georgia to take care of a sick relative. John will be returning to Wisconsin after alternative care has been arranged. John is temporarily absent and remains eligible for FoodShare.</u></p> <p><del>Karley resides with and receives FoodShare with her mother. On June 6, it is reported that on June 1st Karley went to stay with her father in Madison for the summer. She will be returning to her mother's home on August 15.</del></p> <p><del>The month of departure is June. Since she is only absent for one full calendar month (July), she is not considered temporarily absent from her mother's household. She will not be out of the mother's home two full consecutive calendar months past the month of departure.</del></p>
<p><b>Example 7</b></p>	<p><del>Karley's mother reports Karley will be leaving on May 24 to spend the summer with her father. Karley is expected to return to her mother's residence on August 1.</del></p> <p><del>Because Karley will be absent from her mother's home for two full consecutive calendar months (June and July), she would be considered absent from the home. Karley should be removed from her mother's food unit the next possible benefit month July 1, and added back to the food unit when she returns. Karley will be eligible for benefits the first full benefit month after she has been reported</del></p>

back in the home.

### 3.2.1.2.2 Incarceration and Huber Law Prisoners

An individual who is incarcerated for more than 30 days is ineligible for FoodShare unless they meet all the Huber criteria listed below.

~~Huber law~~ Some inmates may be allowed to leave jail for various reasons under the Huber Law, also known as the Huber Program. Huber Law prisoners who are released from ~~confinement for jail to attend to the purpose of caring for members~~ needs of their family and who purchase and prepare meals with their family members families can still be included in the food unit and may be ~~become or remain~~ eligible for FoodShare benefits. The prisoner must meet all financial and non-financial eligibility requirements.

~~A Huber Law prisoner is caring for his or her family if he or she meets all~~ both the following ~~criteria~~ are true:

- ~~1. Intends~~ They intend to return to the home ~~after his or her confinement.~~
- ~~1. Continues to exercise care and control of his or her children.~~
- ~~2. Continues to plan~~ They continue to be involved in the planning for the support and care of ~~his or her~~ their minor children.

~~is~~ Huber Law prisoners who are released ~~to attend~~ for a purpose other than attending to the needs of ~~his or her family and to purchase or prepare meals with his or her family~~ their families are not eligible for FoodShare.

A Huber law prisoner released under a bracelet monitoring program who continues to live in the home is eligible for FoodShare.

~~For FoodShare, if an individual's Huber status is questionable, request verification (1.2.6.2 VERIFY IF QUESTIONABLE).~~

The temporary absence policy ~~(3.2.1.2) time limit~~ (see SECTION 3.2.1.2 TEMPORARY ABSENCE) does not apply for Huber and those monitored under the bracelet program.

Note: Under simplified reporting rules, a change in household composition is not required to be reported until SMRF or renewal.

Example 8	A mother with three school age children has been sentenced to serve 90 days in a Huber facility. She is released at 8:00 A.M. to her place of employment and must report directly back to the Huber facility by 4:30 P.M. This mother is absent from the household and is not eligible for FoodShare benefits.
Example 9	A father applies for FoodShare for himself and his two school age children. He is sentenced to serve 90 days in a Huber facility. Under the terms of his sentence he is released each morning at 6:00 A.M.

	<p>to report to his job; at 3:00 P.M. he is to leave his job and report to his home to care for his children, including fixing and eating dinner with them. He must report back to the Huber facility by 8:00 P.M. This father is temporarily absent from the FoodShare household and is eligible for FoodShare benefits.</p>
Example 10	<p>A father is on a bracelet monitoring program under the Huber program, living with his wife and child at home and working full time. Some of his wages are intercepted by the county jail to offset incarceration and monitoring costs. Treat this case as a FoodShare assistance group of three and budget the gross amount of his wages.</p>

## 3.4.1 Dual Membership and Duplicate Benefits

7 CFR 273.3(a)

FNS Memo 12/18/14

A person can be in more than one food unit, but may only receive benefits in one FoodShare assistance group at a time. A person ~~cannot~~ can't be a member of more than one FoodShare assistance group in the same month, except residents of shelters for victims of domestic violence if ~~the criteria in 3.2.1.5.4 SHELTERS FOR VICTIMS OF DOMESTIC VIOLENCE are met.~~ specific criteria is met (see SECTION 3.2.1.5.4 SHELTERS FOR VICTIMS OF DOMESTIC VIOLENCE).

Persons moving to Wisconsin from another state are not eligible to receive duplicate FoodShare benefits. States typically issue benefits on either a calendar- or fiscal month-cycle. A fiscal month cycle provides benefits from a date in one month to a corresponding date in the next month. Some states, such as California (Fresno), Massachusetts, Nevada, and South Dakota, issue on a fiscal month cycle. Illinois issues benefits by calendar month (first day through the last day of the month) and by fiscal month (16th through 15th). Wisconsin issues on a calendar month cycle.

IM workers should contact the other state to verify the SNAP (FoodShare in Wisconsin) benefit end date. If there is an indication that an adult food unit applicant or member received SNAP benefits in another state, the IM agency must also verify the number of countable months or time limited benefits (TLBs) the individual received in the other state prior to certification (see SECTION 3.17.1.9 COUNTABLE MONTHS FROM ANOTHER STATE).

Duplicate participation checks at application and renewal must not delay processing of the application or renewal beyond regular timeliness processing standards.

Example	In early October, a SNAP assistance group moves to Wisconsin from Illinois. Prior to the move, Illinois issued the group's SNAP benefits on a fiscal month cycle. It was an allotment for September 16 through October 15. The assistance group applies in Wisconsin on October 10. The last day the group is considered an Illinois SNAP group is October 15. If determined eligible, the first day the group would receive Wisconsin FoodShare would be October 16.
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When a person from Puerto Rico establishes Wisconsin residence and applies for FoodShare, treat his or her Nutrition Assistance Program (NAP) as follows:

- The NAP benefit is not income, and

- FoodShare can be issued in Wisconsin even if NAP was issued during the same month as the FoodShare application. NAP benefits cannot be used in the United States, so there is no duplication of benefits if FoodShare is issued for the same month as NAP.



## 3.10.1 Strikers

1. [3.10.1.1 Striker Exceptions](#)
2. [3.10.1.2 Termination of a Strike](#)
3. [3.10.1.3 Eligibility on the Day before a Strike](#)
4. [3.10.1.4 Pre-Strike Income](#)

7 CFR 273.1(e)

A striker is anyone involved in either of the following, whether or not ~~he or she is~~ they are in a collective bargaining unit:

1. A strike or concerted stoppage of work by employees against their employer, including a stoppage because a collective bargaining agreement expired, ~~or~~ a concerted slowdown or interruption of operations by employees against their employer.
2. A person is a striker whether or not ~~he or she~~ they personally voted for the strike. Strikers are not exempt from FoodShare basic work ~~registration requirements~~ rules.

### 3.10.1.1 Striker Exceptions

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None of the following is a striker:

1. An employee affected by a lockout.
2. Persons exempt from the FoodShare work requirements on the day before the strike except those exempt solely because they are employed. For example, a caretaker is not considered a striker if they are the primary caretaker for a child under six years old (3.16.1 FOODSHARE BASIC WORK REQUIREMENTS RULES)
3. Any employee of the federal government, the state, or any political subdivision engaged in a work-related strike. He or she has voluntarily quit his or her job without good cause.
4. Persons such as truck drivers who cannot do their jobs because the strike has left them with nothing to deliver.
5. Employees who are not part of the bargaining unit and do not want to cross the picket line for fear of personal injury or death.

### 3.10.1.2 Termination of a Strike

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A strike has ended when:

1. The employer notifies its striking employees that it has hired or is hiring replacement workers.
2. All or some of the employees cannot return to the same job they held with that employer before the strike.

3. The employees return to work with the same employer. If a striker accepts other employment while on strike without resigning from the struck company, striker provisions continue to apply.

### **3.10.1.3 Eligibility on the Day before a Strike**

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To be eligible, a food unit with a striker must have been eligible on the day before the strike began.

If the case was open for FoodShare on that date, it remains eligible if it continues to meet all criteria.

If the case was not open on that date, determine if the food unit could have been eligible on the day before the strike. Assume the application date is the day before the strike began and the strike never occurred. Use the Striker Evaluation Form ([F-16023](#)). Deny an application if a member of the food unit would have been ineligible the day before the strike.

### **3.10.1.4 Pre-Strike Income**

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Determine the food unit's eligibility and allotment. Add the greatest of the two following incomes to the income of the other food unit members:

1. The striker's income on the day before the strike (pre-strike income), or
2. The striker's income on the date of the current determination (current income).

Determine the striker's pre-strike income by adding:

1. All unearned income he or she would normally expect to have received that month, and
2. All earned income he or she would have received in a month using the wage rate he or she was earning on that date. Allow the 20% earned income deduction.

Determine the striker's current income as you would any other person's regular income.

## 3.15.1 Student Eligibility

7 CFR 273.5

Anyone (age 18-49) enrolled half-time or more in an institution of higher education is ineligible for FoodShare unless he or she meets one of the following exemptions below.

An institution of higher education may be defined as:

- A business, technical, trade, or vocational school that normally requires a high school diploma or equivalency certificate for enrollment in the curriculum; or
- A regular curriculum at a college or university that offers degree programs regardless of whether a high school diploma is required.

Student Eligibility Exemptions:

1. An 18 year-old (or older) student attending high school or adult basic education courses (HSED/GED).
2. Employed at least an average of 20 hours a week with earnings.
  1. Compliance can be determined by calculating whether the student worked an average of 20 hours per week over the period of a month, a quarter (calendar), a trimester (Fall, Winter, Spring), or a semester (Fall semester (1st) and Spring semester (2nd). This is in line with the different ways contractual and fluctuating employment is budgeted. See 4.3.2 Earned Income for budgeting policy.
  1. The payment can be received with regular frequency (weekly, biweekly, semi-monthly) or as a one-time payment at the beginning or end of the employment period. There is no minimum compensation that must be received so long as income is received.
3. Self-employed at least an average of 20 hours a week with self-employment earnings (after self-employment expenses are subtracted) equivalent to at least the federal minimum wage.
  1. Weekly earnings must be at least  $\$7.25 \times 20 \text{ hours} = \$145$  per week.
  1. Use student monthly hours to calculate a weekly average. Students whose employment hours fluctuate from week to week may be determined eligible for FoodShare, provided they maintain an average of 20 hours per week at minimum wage.
4. Participating in a state or federally financed work study program during the regular school year:
  1. The student must be approved for work study at the time of application, the work study must be approved for the school term, and the student must anticipate actually working during that time.
  1. The exemption shall begin with the month in which the school term begins or the month work study is approved, whichever is later. Once begun, the exemption shall continue until the end of the month in which the school term ends, or it becomes known that the student has refused an assignment.

1. The exemption shall not continue between terms when there is a break of a full month or longer unless the student is participating in work study during the break.
5. Responsible for the care of a dependent household member under age six. If two people exercising parental control are in the food unit, allow student status to only one person per child.
6. Responsible for the care of a dependent household member who has reached age six but is under age 12 if the agency determines adequate child care is unavailable to enable the student to attend class or work activities. If two people exercising parental control are in the food unit, allow student status to only one person per child.
7. Is a single parent enrolled in an institution of higher education on a full-time basis, as determined by the institution, and is exercising care and control of a dependent food unit member under the age of 12. To apply this provision there must be only one biological or adoptive parent or stepparent in the same food unit as the child. If there is no biological or adoptive parent or stepparent living with the child, another full-time student living with the child may qualify as an eligible student under this provision if the student has parental control of the child and does not live with his or her spouse.
8. Receiving a Tribal TANF cash payment, W-2 cash payment, or working in a W-2 Trial Job. Assigned to or placed in an institution of higher learning by Workforce Innovation and Opportunity Act (WIOA) .
9. Enrolled in a W-2 employment position or other TANF-funded program under Title IV of the Social Security Act.
10. Physically or mentally unfit for gainful employment.
11. Participating in an on-the-job training program. This exemption applies only during the period of time the person is being trained by the employer.
12. Is assigned to or placed in an institution of higher education through or in compliance with the requirements of FSET, a program under the Job Training Partnership Act of 1974, or a program under section 236 of the trade Act of 1974.
13. Is enrolled in an educational program that is designed to be completed in two years or less and obtaining certification or a diploma from the program is expected to lead to employment.

Example 1	During an interview for FoodShare, Jack reports that he is a full-time student at Northern Technical College for phlebotomy and plans to graduate in the next year. Jack is an eligible student because he is enrolled in a two-year degree program that is expected to lead to employment.
Example 2	When Carla applies for FoodShare, she reports that she is enrolled half-time at Madison Area Technical College and is taking cooking with herbs, pottery and jewelry making. No other student exemptions are met. Carla would not be an eligible student, because she is not enrolled in a program

	that will lead to employment.
Example 3	When Bill applies for FoodShare, he reports that he is enrolled in a four-year nursing program, but only has two years left in the program. Bill would not be an eligible student because the program was designed by the college to be completed in four years.
Example 4:	Bella participates in an internship for a semester (5 months). Bella works a total of 400 hours over the semester. At the end of the internship, Bella will be paid a stipend of \$1,000. The hours would be averaged over the 5 months 400/5 totaling 80 per month or 20 per week. The stipend of \$1,000 will be averaged and budgeted over the 5 month semester and \$200 of earned income to will budgeted per month. Bella is an eligible student.

Note: A student who lives in campus housing and purchases a meal plan that provides more than half of their meals is not eligible for FoodShare, even if the student does not eat meals from the meal plan. If the meal plan is available, but the student does not purchase it, then they may be eligible for FoodShare.

Note: IRS tax dependency status does not impact FoodShare eligibility determinations. A student may be claimed as a tax dependent by his or her parents and still qualify for FoodShare if he or she meets all other non-financial and financial eligibility criteria.

A student is enrolled as of the first day of the school term through normal scheduled class periods, vacation, and recess unless he or she:

- Graduates;
- Is suspended, expelled, or drops out; or
- Doesn't intend to register for the next school term (excluding summer school).

### Temporary COVID Exemption Policy

Effective January 1, 2021 through the calendar month following the end of the Federal COVID-19 Public Health Emergency.

1. Students are eligible to participate in state or federally financed work-study program during the regular school year, as determined by the institution of higher education or
2. Students have an expected family contribution (EFC) of \$0 in the current academic year, as determined by the institution of higher education.

Note:

For the change to the work-study exemption, the student does not need to actually be participating or anticipate they will participate in work-study, just be eligible to participate.

If a student applies for FoodShare or is a member of a FoodShare household, the new exemptions must be explored. For ongoing cases, the new exemptions must be explored and eligibility must be re-determined. Similarly, the new exemptions must be explored for any new student added to the household. These new student exemptions remain in effect for FoodShare applicants and members through the calendar month following the end of the Federal COVID-19 Public Health Emergency.

### *Verification:*

Workers must assist in obtaining verification when needed, provided the household is cooperating, and must accept any reasonable documentary evidence provided by the household. A student may be required to sign a specific release form provided by the school before any FAFSA information can be released by the school to the worker. If all efforts to obtain documentary evidence fail, workers must accept the member's statement as best available information.

Verification of eligibility to participate in a work-study program may be found on the financial aid award letter provided to the student by the institution of higher education or in another letter from the institution of higher education.

Verification of an expected family contribution (EFC) of \$0 may be found on a financial aid award letter, Student Aid Report (SAR), or in another letter from the institution of higher education.

In addition, all students receiving the maximum Pell grant have an EFC of \$0. In the 2020-21 award year, the maximum Pell grants are \$3,172 per semester for students enrolled full-time, \$2,379 per semester for students enrolled three-quarter-time, and \$1,586 per semester for students enrolled half-time. Verification of the Pell grant amount may be found on the financial aid award letter and may be used as verification that a student has an EFC of \$0. However, not all students with an EFC of \$0 receive a Pell grant.

## **FoodShare Employment and Training**

Students enrolled in higher education at the time of the FoodShare application and then found eligible for FoodShare may request to be referred to FSET to participate in activities other than education. Activities may include job search, work experience, or self-employment. FSET cannot provide reimbursement for expenses related to education for students who self-initiate enrollment in higher education.

### **FoodShare Basic Work Registration Rules**

A FoodShare-eligible student who meets the criteria in this section is exempt from the FoodShare basic work registration requirements rules.

## **ABAWDs**

If an applicant or member is determined to be a FoodShare-eligible student based on the criteria in this section, the applicant or member is a non-ABAWD.

[View History](#)

## 3.16.1 FoodShare Basic Work Requirements Rules

1. [3.16.1.1 Background](#)
- ~~1.~~ ~~[3.16.1.2 FoodShare Work Requirements](#)~~
- ~~2.~~ ~~[3.16.1.3 Exemptions from the FoodShare Work Registration Requirements](#)~~
2. [3.16.1.2 FoodShare Basic Work Rules](#)
3. [3.16.1.3 Exemptions from the FoodShare Basic Work Rules](#)
- ~~2-4.~~ [3.16.1.4 Registering for Work](#)
  - ~~1.~~ ~~[3.16.1.4.1 Work Registration Interview Requirements](#)~~
  1. [3.16.1.4.1 Basic Work Rules Interview Requirements](#)
- ~~3-5.~~ [3.16.1.5 Sanctions for Noncompliance](#)
- ~~4-6.~~ [3.16.1.6 Sanction Period](#)
  1. [3.16.1.6.1 At Application](#)
  2. [3.16.1.6.2 Ongoing](#)
- ~~5-7.~~ [3.16.1.7 Good Cause](#)
- ~~6-8.~~ [3.16.1.8 Ending a Sanction Event](#)
- ~~7-9.~~ [3.16.1.9 Sanctions and Fair Hearings](#)

7 CFR 273.7

### 3.16.1.1 Background

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Federal regulations require FoodShare applicants and members to comply with FoodShare basic work registration requirements rules and ABAWD/FoodShare work requirements as a condition of FoodShare eligibility. ~~ABAWD policy~~ Policy related to ABAWD/FoodShare eligibility-Work Requirements for certain adults aged 18 to 49 is located in ~~section 3.17.1 ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWDS)~~ SECTION 3.16.1.2 FOODSHARE WORK REQUIREMENTS.

~~As of March 1, 2008,~~ FoodShare Employment and Training (FSET) ~~became~~ is a voluntary program for all FoodShare applicants and members. The FSET program serves people who wish to voluntarily enroll, ~~but and~~ benefits cannot be sanctioned or terminated for non-participation. All FSET policy and some additional ABAWD policy pertaining to the ABAWD/FoodShare work requirement is in the [FSET Handbook](#).

### 3.16.1.2 FoodShare Basic Work Requirements Rules

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All FoodShare applicants or members ages 16 through 59 must comply with the basic work registration requirements rules as a condition of FoodShare eligibility, ~~unless they~~



meet an exemption. Applicants or members who do not comply with the basic work registration requirements rules are sanctioned from receiving FoodShare benefits ~~for a specified period of time.~~ The basic work registration requirements rules are different from the work requirement FoodShare Work Requirement for certain able-bodied adults without dependents (ABAWDs) ~~that was implemented statewide on April 1, 2015.~~ For information on the ABAWD FoodShare work requirement, see section 3.17.1 ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWDS)-SECTION 3.17.1 FOODSHARE WORK REQUIREMENTS FOR ABAWDS.

Note: The FoodShare Basic Work Rules were previously referred to as the FoodShare Work Registration Requirement and the General FoodShare Work Requirement.

Compliance with the basic work registration requirements rules includes registering for work at the time of application and every 12 months thereafter. An applicant or member must provide the IM agency with sufficient information regarding employment status or availability for work.

To maintain compliance after registering for work:

1. A person who is working a job of 30 or more hours per week (or a job with earnings equivalent to 30 or more hours per week at the federal minimum wage) must not voluntarily and without good cause quit that job. The converted monthly amount (i.e., the amount of monthly earnings calculated based on average weekly earnings) should be used. A person who is working 30 or more hours per week must not voluntarily and without good cause reduce work hours to less than 30 per week. If a person reduces hours to less than 30 per week, but continues to earn weekly wages greater than 30 hours at the federal minimum wage, a sanction should not be applied. The converted monthly amount should be used.
2. A person must not turn down suitable employment without good cause. The following must all be true for a job to be considered suitable employment:
  1. Pay is equivalent to minimum wage or higher.
    1. If employment is offered on a piece-work basis, the expected average hourly pay (piece-work average hourly output) is at least minimum wage.
  1. The employee is not required to join, quit, or refrain from joining a union or trade organization.
  1. The job is not obtained due to strike or lockout.
  1. The job does not pose health risks.
  1. The job matches a person's physical and mental ability to perform the job.
  1. ~~If employment is offered on a piece-work basis, the expected average hourly pay (piece-work\* average hourly output) is at least minimum wage.~~
  1. The daily round-trip commuting time is less than 2-two hours, excluding time transporting a child to or from child care.
  1. The distance to the job allows for walking, or public, or private transportation is available.
  1. The hours of work or nature of work ~~does not~~ doesn't interfere with the person's religious observations, convictions, or beliefs.

1. Within the first 30 days of work registration, the employment must be in the person's field of experience;
3. A person who has applied for or is receiving unemployment compensation must continue to comply with the unemployment compensation program work requirements;
4. A person participating in a Wisconsin Works (W-2) placement must continue to comply with the W-2 program ~~work requirement~~requirements.

Note:

If the person is open for W-2 in CWW, ~~he or she is~~they are in compliance with the W-2 program ~~work requirement~~requirements. If W-2 is showing as closed (after having been open) in CWW, the worker will need to review the closure reason and correspondence history to evaluate if there was a failure to comply with W-2. The worker must then evaluate if the member had good cause for the failure to comply with W-2. See Operations Memo [18-40](#)

Minor variations in the number of work hours worked or in the weekly gross wage equivalent to federal minimum wage multiplied by 30 hours per week are inevitable and must be taken in consideration when assessing compliance with work requirements.

### 3.16.1.3 Exemptions from the FoodShare Basic ~~Work Registration Requirements~~Rules

Some FoodShare applicants and members are exempt from the basic work registration requirementsrules in [3.16.1.2-SECTION 3.16.1.2 FOODSHARE WORK REQUIREMENTS](#). The following applicants and members are exempt from the basic work registration requirementsrules:

- A person 16-17 years of age who is not the primary person in a food unit.
- A person 16-17 years of age who is the primary person in a food unit but who is enrolled in school or in an employment and training program at least half-time.
- A person determined unfit for employment, which includes a person who is one of the following:
  - Receiving temporary or permanent disability benefits from the government or a private source.
  - Mentally or physically unable to work, as determined by the income maintenance (IM) or FSET agency.
  - Verified as unable to work by a statement from a health care professional or a social worker.
- A person participating in and complying with the Wisconsin Works (W-2) ~~work requirement~~. ~~Note: If a person is open for W-2 in CWW, he or she is in compliance with the W-2 program work requirement~~program requirements.

Note: If a person is open for W-2 in CWW, they are in compliance with the W-2 program work requirement.

- A parent or other food unit member who is the primary caregiver for a dependent child younger than 6-six years old (whether the child lives in the home or out of the home). If two people are exercising parental control of a child, only one of those people can be exempt from basic work registration rules as the primary caretaker of that child.
- A parent or other food unit member who is the primary caregiver for a person who ~~cannot~~can't care for ~~himself or herself~~themselves (whether the person lives in the home or out of the home).
- A person who has applied for or is receiving unemployment compensation- (UC).

Note: If UC is denied or has ended, the member is no longer exempt regardless of the reason.

- A person regularly participating in an alcohol or other drug abuse (AODA) treatment or rehabilitation program.
- An employed or self-employed person working 30 or more hours per week or earning wages equivalent to 30 or more hours per week at the federal minimum wage.
  - This include migrant and seasonal farm workers under contract or similar agreement with an employer or crew chief to begin employment within 30 days.
- A person who is enrolled at least half-time in any recognized school, training program, or institution of higher education.

An individual who jointly applies for SSI and FoodShare would be exempt from basic work requirements rules until a disability determination is made. If they are determined ineligible for SSI, the requirement to register for work exemption from the Basic Work Rules should be re-evaluated.

Currently in Wisconsin, SSA does not participate in a joint SSI and FoodShare application process.

Verification for an exemption from the basic work registration requirements rules is not required unless the exemption is questionable.

Note: There are some differences between exemptions from the ~~general~~-FoodShare basic work registration requirements rules and exemptions from the ABAWD-~~work requirement~~./FoodShare Work Requirement. For more information on exemptions from the ~~ABAWD-work requirement~~FoodShare Work Requirement, see ~~section 3.17.1.5~~SECTION 3.17.1.3 DETERMINING EXEMPTIONS FROM THE FOODSHARE WORK REQUIREMENT.

## 3.16.1.4 Registering for Work

As a condition of FoodShare eligibility, each food unit member not exempt from the FoodShare ~~work requirements in 3.16.1.2~~basic work rules in SECTION 3.16.1.2 FOODSHARE

BASIC WORK RULES must register for work at the time of application and renewal, and every 12 months after initial enrollment in FoodShare. An applicant or member must provide the IM agency with sufficient information regarding employment status or availability for work.

Registering for work is completed when the agency receives one of the following:

- A signed Request for Assistance (RFA) after the Client Registration page is completed in CARES Worker Web (CWW)
- A signed page ~~4~~one of the FoodShare Wisconsin Application/Registration and Important Information form (F-16019A);)
- A completed and signed FoodShare Wisconsin Application/Registration form (F-16019B);)
- An ACCESS FoodShare application containing an electronic signature, ~~or~~
- A signed signature page from the ~~CARES-CWW~~ case summary.
- A completed telephonic signature (see Section 2.1.1.4); Setting the Filing Date)

An applicant or member who signs the FoodShare application or renewal registers all food unit members subject to the work ~~registration requirements~~basic work rules for work.

### **3.16.1.4.1 Basic Work Registration Rules Interview Requirements**

During each FoodShare interview, IM workers must do the following:

- Ask relevant questions and gather necessary information to identify the correct basic work registration rules status and ABAWD determination in CWW.
- Ask relevant questions to assist in discovering potential exemptions.
- Provide applicants or members with information on exemptions so that they may recognize any current or future exemptions for themselves or a household member.
- Review prior and potential sanctions documented on the Loss of Employment pages for accuracy and possible good cause.

~~During the FoodShare interview, IM workers must explain the FoodShare work registration requirements, the rights and responsibilities of work-registered food unit members, and the consequences of failure to comply with the work registration requirements. IM workers must differentiate between the FoodShare work registration requirements and the ABAWD work requirement.~~

For details on required interview topics related to the FoodShare Basic Work Rules and FoodShare work Requirements, see SECTION 2.1.3.2.1 REQUIRED INTERVIEW TOPICS.

IM workers should provide applicants and members with information about the FSET program. IM workers need to inform ~~work registrants~~individuals subject to the basic work rules that although registration for work is mandatory, participation in FSET is voluntary and non-participation will not result in being sanctioned.

## 3.16.1.5 Sanctions for Noncompliance

An applicant or member without an exemption (~~3.16.1.3 EXEMPTIONS FROM THE FOODSHARE WORK REGISTRATION REQUIREMENTS~~(see SECTION 3.16.1.3 EXEMPTION FROM THE FOODSHARE BASIC WORK RULES) is considered to be noncompliant if ~~he or she does~~ they do not meet the basic work registration requirements in 3.16.1.2 FOODSHARE WORK REQUIREMENTS- rules. An applicant or member who does not comply with the basic work registration requirements rules and does not have good cause will be sanctioned from receiving FoodShare benefits. An event that results in a sanction has historically been referred to as a voluntary quit or a reduced work effort (VQT). These events are now referred to as sanction events.

Acts of noncompliance that may result in a sanction and that are reported by the applicant or member are generally not questionable; Unless there is conflicting or questionable information, the IM worker should not pend the application or renewal for verification of the sanction event ~~unless there is conflicting or questionable information~~. The IM worker should document the steps taken to explore good cause in case comments.

The following are sanction events:

- Turning down suitable employment. The following must all be true for a job to be considered suitable employment:
  - Pay is equivalent to minimum wage or higher.
  - If employment is offered on a piece-rate basis, the expected average hourly pay (piece-rate average hourly output) is at least minimum wage.
  - The employee is not required to either join or quit a union or trade organization.
  - The job is not obtained due to strike or lockout.
  - The job does not pose health risks.
  - The job matches a person's physical and mental ability to perform the job.
  - ~~If employment is offered on a piece-rate basis, the expected average hourly pay (piece-rate\* average hourly output) is at least minimum wage.~~
  - The daily round-trip commuting time is less than 2 two hours, excluding time transporting a child to or from child care.
  - The distance to the job allows for walking, ~~r~~ or public or private transportation is available.
  - The hours of work or nature of work does not interfere with the person's religious observations, convictions, or beliefs.
  - Within the first 30 days of work registration, the employment must be in the person's field of experience.
- Quitting a job of 30 or more hours per week (or a job with earnings equivalent to 30 or more hours per week at federal minimum wage). The converted monthly amount should be used. ~~Note: Quitting a job of 29 or fewer hours per week should not result in a sanction, unless the weekly earnings prior to quitting were greater than 30 times the federal minimum wage.~~

Note: Quitting a job of 29 or fewer hours per week should not result in a sanction, unless the weekly earnings prior to quitting were greater than 30 times the federal minimum wage.

- Voluntarily reducing hours worked to less than 30 per week. Reducing hours to less than 30 per week, but continuing to earn weekly wages greater than 30 hours at the federal minimum wage, would not result in a sanction. The converted monthly amount should be used.
- Previously participating in a W-2 placement that has ~~closed~~ended for failing to meet the W-2 ~~work requirement. Note: The reason for closure needs to be explored with the applicant or member.~~program requirements.

Note: The reason for closure needs to be explored with the applicant or member.

- Applying for or receiving unemployment and failing to meet the unemployment work requirement.

It is possible that a FoodShare applicant or member who is exempt from the basic work ~~registration requirements~~rules could be sanctioned for noncompliance. FoodShare applicants or members who are initially exempt from ~~meeting the~~ basic work ~~registration requirements~~rules solely due to working, applying for or receiving unemployment compensation, or participating in W-2, but who commit an act of noncompliance resulting in the loss of the exemption without good cause will be sanctioned. If there are any additional exemptions for this applicant or member, a sanction will not be applied.

Note:

FoodShare applications must be processed within the normal processing time frame. If verification of a sanction event or good cause is required and has not been verified by day 30, the IM worker must determine FoodShare eligibility as if this person has not failed to meet the FoodShare basic work ~~registration requirement~~rules. Once eligibility has been determined, the sanction event/good cause reason should pend for the appropriate time. If a sanction event occurred without good cause, the IM worker would sanction that person in the next possible benefit month.

~~If an application is eligible for expedited FoodShare and it is unknown whether the applicant failed to meet the work registration requirement or if there is good cause for a sanction event, the expedited issuance must not be delayed and the expedited issuance must occur by the seventh day after the date of application.~~

## 3.16.1.6 Sanction Period

Sanctions will be systematically applied for the time periods indicated below. During a sanction period, if the applicant or member remains part of a food unit, ~~he or she~~they will be a gross deemer for the purpose of income and deduction budgeting (i.e., ~~his or~~

her~~the~~ir income and expenses will be used in the FoodShare benefit determination for the rest of the food group).

Sanction Occurrence	Time Period for Sanctions	Time Period for Sanctions
	Applied at the Time of Application (days)	Applied to Ongoing Cases (benefit months)*
1st	30 days	1 month
2nd	90 days	3 months
3rd and subsequent	180 days	6 months

\*In instances where a break-in-service occurs, the sanction applies from the first date that eligibility is regained and runs for the remainder of that benefit month.

### 3.16.1.6.1 At Application

If a sanction event occurs within the 30 days ~~of~~preceding the application filing date, without good cause, the applicant or member will be sanctioned from receiving FoodShare benefits as of the application filing date.

An application is not eligible for expedited FoodShare issuance if there is a sanction event. An interview is required to determine if there is a sanction event. The worker is required to determine sanction events and good cause in the interview. The IM worker should document exploration of sanction events and good cause in case comments.

If an applicant's or member's FoodShare eligibility is failing for another reason (e.g., the applicant or member ~~did not~~didn't verify information), a sanction will not be applied at the time of application.

Example 1	Joe completes an application on December 6 and the agency is unable to reach him for the interview. Joe reports no income or assets, and he is otherwise eligible, so the agency pends for his interview. Joe comes into the agency on December 20 and completes his interview. Joe reports he quit his job on November 26 and has no exemption or good cause. Joe is otherwise eligible, so the worker confirms the application denied, and CWW applies his first sanction beginning December 6.
Example 2	Jack applies for FoodShare on August 8. Jack completes his interview on August 21 and reports that he refused suitable employment on July <del>20</del> <u>29</u>

	without good cause. Jack is not otherwise exempt. Jack's application pends for verification of his identity. Jack fails to verify his identity by his verification due date of September 7. Since Jack is being denied for failure to verify information, a sanction will not be applied.
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### 3.16.1.6.2 Ongoing

If a sanction event occurs within the ~~6~~six- or 12-month certification period, without good cause, the ~~work registrant~~member will be sanctioned. Sanctions for ongoing cases are applied following adverse action. In instances where a break in service occurs, the sanction applies from the first date that eligibility is regained and runs for the remainder of that benefit month.

Note:	Other than during six-month reporting and renewal, the only change food units are required to report is if their total monthly gross income increases above 130 <del>percent</del> % of the federal poverty level (FPL) for their reported food unit size. <del>This</del> and if an ABAWD <del>reduces their work hours below 80 per month</del> . The change must be reported by the 10th of the month following the month in which the total income exceeded 130 <del>percent</del> % of the FPL. <del>As long as or ABAWDs monthly hours decreased</del> . Unless a food <del>unit's total income is less than 130 percent of the FPL, the food unit does</del> change meets this specific simplified reporting criteria, they do not need to report <del>changes in income, assets, address, household composition, etc.</del> (the change to the local agency (see <a href="#">Section 6.1.1 Change Reporting for All Food Units (Simplified)</a> )).
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Example 3	John completes his renewal interview on December 3, and FoodShare pends for verification. John doesn't provide verification timely, so his FoodShare case closes at adverse action, effective December 31. John provides his verification on January 15 and <del>also</del> reports that he refused employment without good cause. Break-in-service requirements were met on January 15. This is John's first sanction event, and the sanction is applied January 15 through January 31. Since John did not receive benefits from January 1 through January 31, this is a one-month sanction.
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Example 4	Jeff applied for FoodShare in February and his case is currently open. On August 21, Jeff reports that he quit his job <u>where he was working 35 hours</u>
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	<p><u>per week</u> without good cause; he is not otherwise exempt. Verification is not necessary, so the worker determines Jeff's FoodShare eligibility and he receives his first sanction. Since FoodShare <u>benefit issuance is</u> already <del>occurred</del> <u>confirmed</u> for <u>August and</u> September, Jeff will be assigned a one-month sanction, beginning October 1.</p>
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~~When, during six month reporting or renewal,~~ When a member reports that a sanction event took place during the certification period and FoodShare eligibility is closing for any reason, a sanction will still be applied. This occurs because the member was subject to the basic work registration requirements rules at the time of the sanction event.

<p>Example 5</p>	<p>Jill has a renewal due by December 31. Jill submits an ACCESS renewal and completes her interview on December 21. During the interview, she reports that she quit her job without good cause and is not otherwise exempt. <del>The agency needs to verify Jill's unearned income. Jill fails to verify the income by December 31. The worker confirms</del> <u>also reports</u> that <del>Jill's eligibility for ongoing</del> <u>she just moved in with her boyfriend. Her FoodShare was closed on</u> <u>will close effective</u> December 31 <del>for failure to verify the unearned</del> <u>as a result of her boyfriend's income, and. Even though Jill's case is closing,</u> a one-month sanction <del>is applied for the month of effective</del> <u>January for her first sanction occurrence</u> <u>1 must still be applied.</u></p>
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<p><u>Example 6</u></p>	<p><u>Tory's FoodShare closed January 31 for failing to provide proof of unearned income. Tory also has a one-month sanction which is effective February 1 for quitting a job without good cause. Tory turns in their unearned income verification on February 10th. Tory's FoodShare would normally re-open the date they took the required action under a break-in-service but in this instance, FoodShare remains closed for the month of February due to the sanction.</u></p>
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### 3.16.1.7 Good Cause

When considering whether a potential sanction event has taken place, IM workers are required to consider the reasons leading to the event ~~in order~~ to determine if there was good cause. The IM worker should document steps taken to explore good cause in case comments. When good cause exists, a sanction should not be applied.

Reasons for good cause include, but are not limited to, the following:

1. The job did not meet the suitable employment criteria ~~(3.16.1.2~~(see SECTION 3.16.1.2 FOODSHARE BASIC WORK RULES).
2. The applicant or member was fired or resigned at the employer's demand.
3. The employer discriminated based on the applicant or member's age, race, sex, gender identity, color, handicap, religious belief, national origin, or political belief.
4. Work demands or conditions made continued employment unreasonable (e.g., working without being paid timely).
5. The applicant or member accepted other employment at a wage equivalent to working 30 or more hours per week at federal minimum wage.
6. The applicant's or member's work hours were reduced to less than 30 hours per week, but wages earned are equivalent to working 30 or more hours per week at the federal minimum wage.
7. The applicant or member enrolled at least half-time in any recognized school, training program, or institution of higher education that requires ~~him or her~~them to leave employment.
8. There were changes in the food unit residence that impacted access to current employment (e.g., members of the food unit moved to another community because a member accepted a new job or enrolled at least half-time in a recognized school, training program, or institution of higher education).
9. The applicant or member has personal health problems, or others in the food unit have health problems requiring the presence of the applicant or member.
10. The applicant or member is under age 60 and resigned from a job, which the employer recognized as retirement.
11. The applicant or member quit in the context of the natural pattern of employment, such as a migrant worker or construction laborer.
12. Hours of employment were reduced by the employer without consent from the applicant or member, but the employer remained the same.
13. The applicant or member quit unsubsidized employment to join a volunteer program, such as Volunteers In Service To America (VISTA), AmeriCorps, etc.
14. Transportation was not available.
15. The applicant or member was unable to obtain adequate child care for a child or children younger than age 12.
16. The applicant's or member's self-employment ended.
17. There were other circumstances beyond the applicant's or member's control that the agency ~~feels~~determines constitute good cause.

Example <del>6</del> <u>7</u>	Sanction event resulting in a sanction:  <del>John-On December 22, Scott</del> reports that he quit his job because he doesn't like his boss. <del>-No good cause exists- determine if his job ended due to good cause-</del> Scott does not have good cause for quitting his job. Because the worker is processing the sanction event after adverse action in December, his sanction begin date will be February 1.
Example <del>7</del> <u>8</u>	Sanction event not resulting in a sanction due to good cause:  John reports that he quit his job because his boss was

	creating a hostile work environment by harassing him for his religious beliefs. Good cause exists. The worker should not create a sanction.
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Verification of good cause is not required unless the reason for good cause is questionable. If an IM worker receives conflicting or unclear information about the good cause reason, verification must be requested to clarify the circumstances. If verification of good cause is requested, the reason for requesting verification should be documented in case comments.

Any federal, state, or local government employee who participates in a strike and is dismissed because of the participation is considered to have voluntarily quit the job without good cause.

Note:	Simplified reporting does not require reporting of job loss or reduction in work hours with the exception of ABAWDs who are meeting the <a href="#">ABAWD FoodShare</a> work requirement because they are working at least 80 hours per month (see <a href="#">Section 6.1.1 Change Reporting for All Food Units (Simplified)</a> ). IM workers are required to determine good cause at the time the loss or reduction in employment becomes known to the agency. <del>A-If no good cause exists, the</del> sanction is imposed the first of the month after the month proper notice of the sanction is provided.
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Example <a href="#">89</a>	While processing Scott's SMRF on December 20, Mary notices that Scott's last day of work was October 1. Mary contacts Scott to determine if his job ended due to good cause. Scott does not have good cause for quitting his job. Because Mary is processing <del>the sanction after adverse action in a</del> December <a href="#">SMRF</a> , his sanction begin date will be <del>February</del> <a href="#">January</a> 1.
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Example <a href="#">910</a>	John has medical restrictions that limit him to lifting no more than 25 pounds. Pepsi offered John a job at which he would be required to lift 75 pounds regularly. This job does not meet the definition of suitable employment for John because it does not match his physical and mental ability to perform the job ( <del>3-16-1.2</del> see <a href="#">SECTION 3.16.1.2 FOODSHARE BASIC WORK RULES</a> ). John refused the employment, and the IM worker should grant him good cause because he could not reasonably perform the duties of the job.
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## 3.16.1.8 Ending a Sanction Event

A sanction will end if:

- The applicant or member becomes exempt from the basic work registration requirements rules.
- The sanction period ends.

Note: A sanction will not apply if an individual begins meeting an exemption prior to the sanction begin date.

<u>Example 11</u>	<u>Jeff received notice on March 10 that they will be sanctioned beginning April 1 for voluntarily quitting their full-time job. On March 28, Jeff reports new full-time employment. The sanction would not apply because Jeff is now exempt from meeting basic work rules since they are employed more than 30 hours per week.</u>
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FoodShare benefits are not automatically re-instated at the end of a sanction period. An applicant or member who was sanctioned must re-apply or re-request FoodShare benefits. If an application for FoodShare is filed in the final month of the sanction period, the worker will use that application to deny benefits for the remaining sanction month and to issue benefits for any subsequent month if all other eligibility criteria are met.

### **Case Currently Open for FoodShare:**

If the applicant or member who had a sanction would like to be added to an open food unit, ~~he or she~~ they must re-request FoodShare. The applicant or member will be added to the food unit the first of the month following the month of the re-request.

### **Closed Food Unit or One-Person Case:**

If the ~~applicant or member~~ individual who had a sanction is re-requesting FoodShare, and the ongoing food unit has been closed for more than a calendar month, the ~~applicant or member~~ individual must complete a new application. If the sanction event occurred on an ongoing FoodShare case that has been closed for less than a calendar month, the case can re-open under break-in-service rules, with benefits pro-rated from the date in which the re-request is made and all eligibility criteria are met.

If the sanction event was determined through a one-person FoodShare application, and it is the first sanction event, the original application can be used so long as the applicant is re-requesting FoodShare no more than 60 days from the original filing date. ~~Steps that follow an application submission must be completed (interview and any required verification). The applicant or member is required to re-request FoodShare.~~

~~After the applicant or member re-requests FoodShare, a worker must run eligibility and confirm the case closed, and then set an expected change for the day after the sanction has ended. The expected change should indicate that the worker needs to take the following actions. The worker must end date the Loss of Employment page, then update the FoodShare request to the day after the sanction end date and run eligibility to issue the pro-rated FoodShare benefits starting with the first day after the sanction.~~

For one-person FoodShare applications in which the applicant ~~or member~~ has incurred more than one sanction event, the applicant ~~or member~~ is required to re-apply during or after the final month of the sanction period.

Example 10

~~Jeff received notice on March 10 that he will be sanctioned beginning April 1 for voluntarily quitting his full time job. On March 28 Jeff reports new full-time employment. The sanction would not apply because Jeff is now exempt from meeting work registration requirements since he is employed more than 30 hours per week.~~

## 3.16.1.9 Sanctions and Fair Hearings

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If the food unit requests a fair hearing to contest a sanction, and the food unit members request to continue receiving benefits during the hearing process, benefits should continue until after the fair hearing decision. For FoodShare benefits to continue, the worker must grant good cause for the months until a hearing decision is made and document the actions in case comments. If the sanction is upheld, the sanction period will begin the first of the month following the month of decision, allowing for an adverse action notice. ~~In order for FoodShare benefits to continue, the worker should enter good cause as "other" and document in case comments until a hearing decision is made.~~

## **3.17.1 ~~Able-Bodied Adults Without Dependents~~ (FoodShare Work Requirements for ABAWDs)**

1. 3.17.1.1 Able-Bodied Adults Without Dependents (ABAWDs)
- ~~1. 3.17.1.2 Application of ABAWD Rules~~
- ~~2. 3.17.1.3 ABAWD Status~~
- ~~3. 3.17.1.4 Determining ABAWD Status~~
- ~~4. 3.17.1.5 Reserved~~
- ~~5. 3.17.1.6 Verification of ABAWD Status and Exemptions From Time-Limited FoodShare~~
- ~~6. 3.17.1.7 ABAWD Work Requirement~~
- ~~7. 3.17.1.8 ABAWD Definition of Working~~
- ~~8. 3.17.1.9 Three Countable Months of Time-Limited FoodShare Benefits~~
- ~~9. 3.17.1.10 The 36-Month Period (Clock)~~
- ~~10. 3.17.1.11 Regaining Eligibility After Exhausting Three Months of Time-Limited Benefits~~
- ~~11. 3.17.1.12 Three Additional Months of FoodShare Benefits~~
- ~~12. 3.17.1.13 FSET Participation and FoodShare Eligibility for ABAWDs~~
- ~~13. 3.17.1.14 Adjusting or Deleting the FoodShare Clock Page (36-Month Period)~~
- ~~14. 3.17.1.15 Additional ABAWD Reporting Requirement~~
- ~~15. 3.17.1.16 FoodShare Clock System Updates and Statuses~~
- ~~16. 3.17.1.17 Countable Months From Another State~~
  
2. 3.17.1.2 FoodShare Work Requirement
  1. 3.17.1.2.1 Definition of Working for FoodShare Work Requirement for ABAWDs
  2. 3.17.1.2.2 Additional ABAWD Reporting for FoodShare Work Requirement
  
3. 3.17.1.3 Determining Exemptions From the FoodShare Work Requirement
4. 3.17.1.4 Verification of Work Hours and Exemptions From FoodShare Work Requirement
5. 3.17.1.5 Three Countable Months of Time-Limited FoodShare Benefits (TLBs)
6. 3.17.1.6 The Three-Year Period (FoodShare Clock)
7. 3.17.1.7 Regaining Eligibility After Exhausting Three Months of Time-Limited Benefits
8. 3.17.1.8 Three Additional Months of FoodShare Benefits
9. 3.17.1.9 Countable Months From Another State
10. 3.17.1.10 ABAWD Status and Referral Type
11. 3.17.1.11 FSET Participation and FoodShare Eligibility for ABAWDs
12. 3.17.1.13 FoodShare Clock System Updates and Statuses

### 3.17.1.1 Able-Bodied Adults Without Dependents (ABAWDs)

~~ABAWDs must either meet the ABAWD work requirement or an exemption from the ABAWD work requirement in order to continue to receive FoodShare benefits. ABAWDs who do not meet the work requirement will receive up to three full months of time-limited benefits (TLB) in a 36-month time period.~~

An ABAWD is an Able-bodied Adult Without Dependents:

<u>Able-bodied</u>	<ul style="list-style-type: none"> <li><u>Fit for employment</u></li> <li><u>Not pregnant</u></li> <li><u>Not covered by a waiver of the time limit or exemption</u></li> </ul>
<u>Adult</u>	<ul style="list-style-type: none"> <li><u>Aged 18 to 49</u></li> </ul>
<u>Note: Without Dependents</u>	<ul style="list-style-type: none"> <li><del>TLB months do not need to be verified for individuals who received benefits in Puerto Rico or American Samoa. Puerto Rico and American Samoa do not operate a SNAP program. Instead, they operate a block grant for their programs, so they are not subject to the same rules and regulations as SNAP.</del> <u>Not a parent of a food unit member under 18</u></li> <li><u>Not residing in a household where a food unit is under 18</u></li> </ul>

Note: The FoodShare work requirement is also referred to as the ABAWD work requirement.

ABAWDs must either meet the FoodShare work requirement or an exemption from the FoodShare work requirement to continue to receive FoodShare benefits. ABAWDs who do not meet the work requirement may only receive up to three full months of time-limited benefits (TLBs) in the current three-year period.

### 3.17.1.2 ~~Application of ABAWD Rules~~ FoodShare Work Requirement

In addition to FoodShare basic work rules (see SECTION 3.16.1 FOODSHARE BASIC WORK RULES), ABAWDs are required to meet an additional FoodShare work requirement as a condition of FoodShare eligibility.

An ABAWD is meeting the FoodShare work requirement if one of the following applies:

- Working a minimum of 80 hours per month (use converted work hours if paid weekly or biweekly)
- Participating and complying with an allowable work program at least 80 hours per month\*

3. Both working and participating in an allowable work program for a combined total of at least 80 hours per month
4. Participating and complying with the requirements of a workfare program

\*Allowable work programs include FSET, Refugee Employment and Training, W-2, Trial Employment Match Program (TEMP), Children First, WIOA programs, Refugee Cash Assistance programs, and programs under section 236 of the Trade Act.

### **3.17.1.2.1 Definition of Working for FoodShare Work Requirement for ABAWDs**

For ABAWDs, working is defined as one of the following:

1. Work in exchange for money;
2. Work in exchange for goods or services (“in kind”);
3. Unpaid work (i.e. volunteer work, community service);
4. Self-employed at any wage; or
5. Any combination of the above.

This section previously contained information related to the pilot implementation of the ABAWD work requirement and the implementation of the new regional structure. The pilot period concluded on March 31, 2015 due to the statewide implementation on April 1, 2015.

### **3.17.1.32.2 Additional ABAWD Status Reporting for FoodShare Work Requirement**

ABAWDs are required to report if their work hours drop below 80 hours per month by the 10th of the month following when the change occurred. ~~Non-ABAWD: A member who is~~ ABAWDs are not ~~an~~ required to report a change in exemption (see Section 6.1.1 Change Reporting for All Food Units (Simplified)).

Example 1	Paul is an ABAWD and was working full time at the outdoor city pool. The pool closed after Labor Day in September, and Paul did not find a new job. As a result, Paul only worked 30 hours for the month of September. Paul must report his drop-in work hours by October 10.
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An overpayment claim should not be established if benefits were issued for a month that the ABAWD; was not exempt or ~~has a verified~~ meeting the FoodShare work requirement due to a change in exemption or ABAWD status that was not required to be reported.

Adverse action rules continue to apply.



## ~~exemption, is not~~ 3.17.1.3 Determining Exemptions From the FoodShare Work Requirement

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Identification and correct determination of ABAWD exemptions impacts whether members are subject to TLBs, and does not need to meet the ABAWD work requirement and maintain eligibility for benefits. Members may cycle on and off FoodShare benefits and may gain or lose exemptions for a variety of reasons.

~~ABAWD: An ABAWD who is subject to TLBs and who must meet the ABAWD work requirement in order to maintain FoodShare eligibility after receiving three months of TLBs in a 36-month period.~~

Note: ~~An individual may request a fair hearing if he or she disagrees with the IM agency's determination of ABAWD status. (see 6.4.1 Fair Hearings).~~

## ~~3.17.1.4 Determining ABAWD Status~~

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~~Non-ABAWD:~~ A FoodShare applicant or member is determined ~~a non-ABAWD if he or she meets~~ exempt from the FoodShare work requirement if they meet any one of the following exemption criteria, as determined by the IM agency:

- Under age 18\* or age 50\*\* and older
  - \*Under Age 18: ABAWD status applies the month following the month the FoodShare member or applicant turns age 18.
  - \*\*Age 50 and older: ABAWD status no longer applies the first day of the month an ABAWD turns age 50.
- Residing in a food unit with a child under age 18\*\*\*
  - \*\*\*Individuals who reside with and are included in the same food unit as a child under age 18 are non-ABAWDs, even if that child is ineligible for FoodShare (see Section 3.3.1.1 HUG (Households, Units, Groups) for food unit requirements).
- Pregnant
- Determined unfit for employment, which includes someone considered any of the following:
  - 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.
  - Displaying mental instability, combativeness, or other mental health issues. (Per direction from FNS, the IM worker should consider the member unfit for work and document an exemption without requiring verification from a health care professional.)
  - Verified as unable to work by a statement from a health care professional or a social worker (may use ~~form F-01598~~ the Medical Exemption from

Work Requirement for ~~ABAWD~~ Able-Bodied Adults Without Dependents form (F-01598) to verify).

- Experiencing chronic homelessness- (A person is chronically homeless if ~~he or she~~ they currently ~~lacks~~ lack a fixed, regular nighttime residence and ~~does~~ do not expect to have a regular nighttime residence in the next 30 days. This includes people who are in a temporary housing situation, such as transitional living arrangements)
- Primary caretaker of a dependent child under age six or an incapacitated person (may be part of the food unit or in a separate household).

Note: For situations where more than one individual shares care giving responsibilities for a child under age six or an incapacitated person, the agency should work with the member to determine which individual has primary responsibility for care of the child or incapacitated person. The other individual's care giving responsibilities can be seen as work and the hours can count towards meeting the FoodShare work requirement, (see SECTION 3.17.1.2.1 DEFINITION OF WORKING FOR FOODSHARE WORK REQUIREMENT FOR ABAWDS).

In most situations, only one individual may claim exemption under this provision for the care of an incapacitated individual. However, there may be an exception with medical documentation which specifies that more than one person is needed to provide the required care.

- Exempt from the FoodShare basic work rules (see SECTION 3.16.1.3 EXEMPTIONS FROM THE FOODSHARE BASIC WORK RULES for more details and full list of basic work rules exemptions).
  - Receives Unemployment Compensation (UC), or has applied for UC, and is complying with UC work requirements.

~~Note: If UC is denied or has ended, the member is no longer exempt regardless of the reason.~~

- ~~● Residing in an unemployment exemption area or are a tribal member living on tribal land that has an unemployment exemption. For a list of the unemployment exemption areas and tribal lands or reservations, go to [www.dhs.wisconsin.gov/fset/exemptions.htm](http://www.dhs.wisconsin.gov/fset/exemptions.htm).~~
  - Regularly participates in an alcohol or other drug abuse (AODA) treatment or rehabilitation program.
  - A student age 18 years or older who is enrolled at least half-time in high school. Enrollment in a GED or HSED program does not qualify for the exemption (though it might be an assigned activity that counts towards the FSET participation).
  - A student of higher education who is otherwise eligible for FoodShare (see 3.15.1 STUDENT ELIGIBILITY) SECTION 3.15.1 STUDENT ELIGIBILITY).

- ~~Primary caretaker of a dependent child under age six or an incapacitated person (may be part of the food unit or in a separate household)~~
  - Is not a work registrant due to working 30 or more hours per week or earning wages equivalent to 30 or more hours per week at the federal minimum wage
  - Complying with Wisconsin Works (W-2) program requirements
  - ~~\*Age 18: ABAWD status applies the month following the month the FoodShare member or applicant turns age 18.~~
  - ~~\*\*Age 50: ABAWD status no longer applies the first day of the month an ABAWD turns age 50.~~
  - ~~\*\*\*Individuals who reside with and are included in the same food unit as a child under age 18 are non-ABAWDs, even if that child is ineligible for FoodShare. See section 3.3.1.1 for food unit requirements.~~

~~As a best practice, workers should~~ Workers must document exemptions in case comments.

~~Non-ABAWDs are not subject to TLBs.~~

Note:	<p><del>Individuals who are</del> <u>If an individual's child is</u> coded as out of the home, including children placed in foster care <del>and children coded as</del> out of home tax dependents <del>and co-filers, do,</del> they would be considered an ABAWD unless otherwise exempt.</p> <p><u>Individuals who reside in an area where the time limit of the FoodShare work requirement is waived or are a tribal member living on tribal land where the time limit of the FoodShare work requirement is waived are not</u> <del>make an individual a non-ABAWD</del> <u>considered exempt.</u></p>
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 <u>exempt from the FoodShare work requirement due to being</u> chronically homeless and a non-ABAWD.
Example 2	<del>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. She does not know when she will find permanent housing. The worker determines Andrea is chronically homeless and a non-ABAWD.</del>
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.

### 3.17.1.4 Verification of Work Hours and Exemptions From FoodShare Work Requirement

Exemptions from the FoodShare work requirement must be verified. Some types of verification include the following:

- Agency form
- Statement from health care, social worker, or AODA professional
- Data exchanges considered verified upon receipt (e.g. unemployment, SSA)
- By using information known to the IM agency
- Collateral contact
- Other acceptable written statement

Another option to verify if a member is physically or mentally unable to work is the Medical Exemption from Work Requirement for ABAWD form (F-01598). The form is not required, and IM workers must accept other forms of verification for this exemption.

ABAWD Hours Worked must be verified. Some types of acceptable verification include:

- Employer form/paystub/tax document/EVF-E
- Written statement from the employer, work program, or volunteer site
- Employer, work program, or volunteer site contact

As long as an exemption exists for part of a month, the member is exempt for the entire month. If the ABAWD meets the 80-hour FoodShare work requirement, the ABAWD cannot accrue a TLB for that month. Upon receipt of the exemption verification or verification of work hours, workers must determine when the individual initially became exempt or began meeting the work requirement and remove TLBs that were incurred while the individual was exempt or meeting the FoodShare work requirement. An exemption or status change will not be applied until it is verified, so an ABAWD with a pending exemption will receive TLBs until the verification is received.

IM agency staff may use the FSET provider as a collateral contact or to provide an acceptable written statement to assist in the determination of ABAWD exemptions or verification of work hours. The IM worker makes the final determination whether to apply an exemption or status change to the member's case.

The effective date of an exemption is the first of the month the exemption situation exists as long as verification is provided. The FoodShare Clock Page may need to be adjusted once verification of an exemption is provided (see SECTION 3.17.1.12 ADJUSTING FOODSHARE CLOCK PAGE).

<u>Example 4</u>	<u>Angela is an ABAWD who is not meeting the FoodShare work requirement and does not claim an exemption during her application interview on July 7, so a referral is sent to FSET. Angela receives the FSET referral letter, which lists the ABAWD exemptions and types of proof that can be submitted. On August 25, Angela reports to her IM worker that she started regularly participating in an AODA treatment program on August 10 and is sent a verification request with a due date of September 5. If Angela submits verification, she will be treated as a non-ABAWD as of August 1 due to having a verified exemption.</u>
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<u>Example</u>	<u>Olive applies and is determined eligible for FoodShare beginning April</u>
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5	19. During the application interview, Olive reported that she was exempt due her current pregnancy. The IM worker does not request verification of her pregnancy because the appointment is in-person and Olive's pregnancy is visibly obvious to the worker. Olive will be a non-ABAWD effective April 1.
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Example 6	<p>Chip is an ABAWD who needs to meet the FoodShare work requirement. He did not work or have an exemption and earned TLBs in June, July, and August. He started working 25 hours per week and met the FoodShare work requirement in September.</p> <p>On December 1 of that same year, Chip reports that his 14-year-old daughter had moved into his apartment in July. The worker adds Chip's daughter to his food unit and adjusts the status of the FoodShare Clock to "EX-Exempt" for the months of July and August. The worker notes the removal of the July and August TLBs in case comments.</p>
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### 3.17.1.5 Three Countable Months of Time-Limited FoodShare Benefits (TLBs)

ABAWD eligibility for FoodShare is limited to three months of TLBs in the current three-year clock period if an ABAWD is not meeting the FoodShare work requirement and does not have a qualifying exemption. The three TLB months do not have to be consecutive.

~~Non-~~An ABAWD will accrue a TLB month any month in which the ABAWD received a full month of FoodShare benefits and the member:

1. Is not meeting the FoodShare work requirement; and
2. Does not meet an exemption from the FoodShare work requirement; or
3. Does not verify an exemption from the FoodShare work requirement.

An ABAWD will not accrue a TLB month any month in which the ABAWD does one of the following:

1. Received pro-rated FoodShare benefits
2. Is covered by a waiver of the time limit

Example 7	Linda, an ABAWD who is not meeting the FoodShare work requirement, applied for FoodShare and was found eligible with a 12-month certification period of July 2 through June 30. Linda's first TLB month is August because July benefits were prorated.
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Example 8	Libby is an ABAWD who earned two TLBs in
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	<p>November and December. On January 5, Libby reports and verifies that her roommate's child moved into her home on December 21. Libby, her roommate, and her roommate's child are in the same food unit. Libby's status changes to non-ABAWD effective December 1, the month the exemption began.</p>
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### 3.17.1.6 The Three-Year Period (FoodShare Clock)

ABAWDs may only receive FoodShare benefits for three-months in a three-year period unless meeting the FoodShare work requirement or meeting an exemption.

Wisconsin established a fixed, statewide time limit clock for the three-year period. Wisconsin's fixed three-year clock will start and end on the same dates for all relevant individuals, regardless of when their eligibility began or when they accrued time-limited benefit months. When the new or subsequent three-year period starts, individuals or members that have accrued time-limited benefits will have their count reset to zero. A new three-year period will start after the current three-year period expires.

Under the fixed clock, the time limit will continue to only apply to ABAWDs with a Time Limited Benefit (TLB) referral or ABAWDs with a non-TLB referral due to meeting the work requirement. The statewide clock will have no impact on an adult who is a non-ABAWD or an ABAWD with a non-TLB referral due to living in a waived area or on waived tribal lands.

The table below displays the three-year clock start and end dates through 2042 for reference.

<u>Three-Year Clock Start</u>	<u>Three-Year Clock End</u>
<u>January 1, 2022</u>	<u>December 31, 2024</u>
<u>January 1, 2025</u>	<u>December 31, 2027</u>
<u>January 1, 2028</u>	<u>December 31, 2030</u>
<u>January 1, 2031</u>	<u>December 31, 2033</u>
<u>January 1, 2034</u>	<u>December 31, 2036</u>
<u>January 1, 2037</u>	<u>December 31, 2039</u>
<u>January 1, 2040</u>	<u>December 31, 2042</u>

<u>Example 10</u>	<p><u>Betty does not meet the FoodShare work requirement in August of 2023, September of 2023, and December of 2023. The applicable 3-year time- period for Wisconsin's FoodShare program began on January 1, 2022, and will end on December 31, 2024. Betty will be</u></p>
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ineligible for FoodShare starting January 2024 through December 2024 unless she starts meeting the work requirement or obtains a qualifying exemption. All applicable members' clocks, including Betty's, will reset to zero when the subsequent three-year period begins on January 1, 2025.

**Example 11** Wisconsin's current three-year clock began on January 1, 2022 and will end on December 31, 2024. Kya applied for FoodShare and was found eligible as an ABAWD as of February 13, 2024. Kya's FoodShare closed on May 31 after three TLBs were issued for March, April, and May. Kya will be ineligible for FoodShare starting June 2024-December 2024 unless she starts meeting the work requirement or obtains a qualifying exemption. All applicable members' clocks, including Kya's, will reset to zero when the subsequent three-year period begins on January 1, 2025.

**Example 12** Wisconsin's current three-year clock began on January 1, 2022, and will end on December 31, 2024. Tom applied for FoodShare and was found eligible as a non-ABAWD as of October 13, 2023. Wisconsin's three-year clock will not impact Tom as long as he remains a non-ABAWD. Tom's exemption ends on January 12, 2024. Tom's status changes to an ABAWD with a TLB referral beginning February 1, 2024. He becomes subject to the current three-year clock, which runs until December 31, 2024.

The table below provides an example of potential changes in ABAWD status that may occur during one three-year period. Three consecutive additional months (see SECTION 3.17.1.8 THREE ADDITIONAL MONTHS OF FOODSHARE BENEFITS) are granted after FoodShare eligibility is regained due to meeting the work requirement.

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	Start*	=	=	=	Partial	TLB 1	TLB 2	TLB 3	x	x	x	x
2	x	x	Partial	FSE I	FSE I	FSE I	FSE I	FSE I	FSE I	FSE I	Work	Work
3	A1	A2	A3	Exempt	Exempt	Exempt	Exempt	Exempt	x	x	x	End*

### Year 1

<u>January 1</u>	<u>Current three-year period begin date. All FoodShare clocks are reset to zero.</u>
<u>January through April</u>	<u>Not open for FoodShare.</u>
<u>May</u>	<u>FoodShare filing date is May 17. Determined eligible as an ABAWD with a TLB referral type due to not meeting</u>

	<u>the work requirement. A TLB is not accrued this month because prorated benefits were received.</u>
<u>June, July, and August</u>	<u>Accrues a TLB each month due to not meeting the work requirement.</u>
<u>September through December</u>	<u>Ineligible due to exhausting three TLBs.</u>

## Year 2

<u>January through February</u>	<u>Continued ineligibility due to exhausting three TLBs.</u>
<u>March</u>	<u>Reapplies for FoodShare on March 7 and is determined eligible as an ABAWD with a TLB referral. Met requirement for reinstating eligibility due to providing verification that the work requirement was met for 30-days following loss of eligibility.</u>
<u>April through October</u>	<u>Meeting ABAWD work requirement through FSET participation.</u>
<u>November through December</u>	<u>Obtained employment and is meeting ABAWD work requirement by working 80 hour more hours per month.</u>

## Year 3

<u>January through March</u>	<u>Lost employment and is no longer meeting the ABAWD work requirement. Receiving three additional months of benefits. Months of additional benefits must be consecutive.</u>
<u>April through August</u>	<u>Exempt from FoodShare basic work rules and FoodShare work requirements due to caring for child under six years.</u>
<u>September through December</u>	<u>Ineligible due to exhausting three TLBs, three additional months, and no longer meeting an exemption.</u>
<u>December 31</u>	<u>The three-year month period ends. Clocks will be reset to zero on January 1 of the next three-year period.</u>

### **3.17.1.7 Regaining Eligibility After Exhausting Three Months of Time-Limited Benefits**

There is no limit on how many times an ABAWD may regain eligibility after exhausting three months of TLBs. A new application is required if the ABAWD re-requests FoodShare as a food unit of one unless the case has been closed less than 30 days



and can reopen under break in service (see Section 2.3.1 Break in Service). If an ABAWD is requesting FoodShare on an on-going case, follow the person add policy to re-establish FoodShare eligibility (see Section 6.1.3.3 Changes That Cause an Increase in Benefits, Including Person Adds and Loss of Income).

ABAWDs who have exhausted three months of TLBs during the current three-year period may regain eligibility by completing one of the following:

- Providing verification that the FoodShare work requirement was met for any 30 consecutive day period following the loss of FoodShare eligibility
- Verifying that the FoodShare work requirement will be met within 30 days of the new filing date. The FoodShare work requirement can be met by completing one of the following:
  - Working a minimum of 80 hours in the 30-day period (see SECTION 3.17.1.2.1 DEFINITION OF WORKING FOR FOODSHARE WORK REQUIREMENT FOR ABAWDS)
  - Participating in and complying with requirements of an allowable work program (see SECTION 3.17.1.2.1 DEFINITION OF WORKING FOR FOODSHARE WORK REQUIREMENT FOR ABAWDS) for at least 80 hours in the 30-day period (see SECTION 3.17.1.2.1 DEFINITION OF WORKING FOR FOODSHARE WORK REQUIREMENT FOR ABAWDS)
    - FoodShare eligibility is a required prerequisite to FSET enrollment, so an ABAWD can't regain eligibility through FSET participation after FoodShare closes.
    - If an ABAWD is FoodShare eligible at the time of the FSET referral and enrollment, the ABAWD can participate in FSET and be expected to meet the FoodShare work requirement.
  - A combination of work and participation in an allowable work program for a minimum of 80 hours in the 30-day period
- Providing verification of a current exemption from the FoodShare work requirement at the time of the application
- Providing verification of an exemption that removes one or more TLBs
- The three-year clock expires

An ABAWD who has exhausted three months of TLBs and is not meeting one of the above requirements at the time of re-application is ineligible for FoodShare. If the ineligible ABAWD is a member of an open food unit, the ABAWD will be counted as a pro-rated deemer (see SECTION 4.7.5 PRORATED DEEMING). If the ineligible ABAWD's food unit remains open through the three-year clock restart, the previously ineligible ABAWD will become eligible the month the subsequent clock begins and may begin accruing TLBs if not meeting the work requirement or exempt.

Note: If an individual has exhausted their three TLBs, is reapplying or re-requesting FoodShare, and has a pending exemption or non-ABAWD status, the manual CARES Worker Web (CWW) letter, FSET PROOF OF EXMPT – NFST, must be sent to request verification. To send this letter in Spanish, use the manual NFSS letter.

<p><u>Example 13</u></p>	<p><u>Stella's FoodShare closed on October 31 after three TLBs were issued for August, September, and October. Stella reapplies for FoodShare on January 2 during the same three-year clock cycle. During the FoodShare interview Stella reports that she gained seasonal employment of 20 hours per week from November 8 through December 28. Verification of the employment is requested by the IM worker. Stella is determined eligible following verification of her complete work hours because she worked 30 consecutive days prior to application. Stella's FoodShare eligibility will be effective from her filing date as long as she meets all other eligibility criteria.</u></p>
<p><u>Example 14</u></p>	<p><u>Gracie received three TLBs for November, December, and January. Her FoodShare closed January 31. Gracie claims an exemption for all three months due to a hip surgery and recovery period when she re-applies for FoodShare on February 10 and provides verification from her medical provider. VThe status of the FoodShare Clock is adjusted to apply the exemption for the months of November, December, and January. The removal of the TLBs is documented in the case comments. Gracie's eligibility will be effective from her break-in-service date of February 10.</u></p>
<p><u>Example 15</u></p>	<p><u>Toby is open for FoodShare on a case with his girlfriend and cousin. Toby received three TLBs for January, February, and March. FoodShare remains open for Toby's girlfriend and cousin. Toby becomes a pro-rated deemer effective April 1. On May 12 of the same year, Toby requests to be added back into the food unit. He has been working at Target since May 5. He works 10 hours a week and provides paystubs for verification. When eligibility is run, Toby is found ineligible for FoodShare because he is not fully meeting the FoodShare work requirement. He will continue to be a pro-rated deemer until the three-year clock restarts and resets his TLB count to zero unless he meets the work requirement or meets an exemption.</u></p>

### **3.17.1.8 Three Additional Months of FoodShare Benefits**

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In certain cases, an ABAWD who has exhausted three months of TLBs, regains eligibility by meeting the FoodShare work requirement, and then stops meeting the FoodShare work requirement, may receive up to three additional consecutive months of FoodShare eligibility, during which the ABAWD is not required to meet the FoodShare work requirement.

The three additional months of FoodShare eligibility will be determined by CWW and the ABAWD must do all three of the following:

1. Apply only to ABAWDs who have exhausted three months of TLBs, regained FoodShare eligibility by meeting the FoodShare work requirement (see SECTION 3.17.1.7 REGAINING ELIGIBILITY AFTER EXHAUSTING THREE MONTHS OF TIME-LIMITED BENEFITS), and then stopped fulfilling that FoodShare work requirement while receiving FoodShare
2. May only be received one time during the current three-year clock period
3. Must be applied consecutively, regardless of changes in FoodShare eligibility or ABAWD status~~are not subject to~~

Example 16	<p><u>Several months after losing eligibility due exhausting three TLBs in the current clock period, Dani began meeting the work requirement through a local volunteer opportunity and regained eligibility in October 2023 by demonstrating that she was on track to meet the FoodShare work requirement within 30 days of the new filing date. Dani ended her volunteer position in December 2023 and no longer met the FoodShare work requirement. Additional months are granted for Dani for the months of December 2023, January 2024, and February 2024. In February 2024, Dani found employment for more than 30 hours per week. Even though Dani's employment exempts her from the FoodShare basic work rules and FoodShare work requirements in February, the additional months must be used consecutively. If Dani had not found employment and continued to not meet the work requirement, she would have again lost eligibility after using her third additional month in February.</u></p>
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### 3.17.1.9 Countable Months From Another State

7 CFR 273.2(f)(1)(xiv)(B)

The IM worker must verify the number of time-limited benefit (TLB) months and additional months received in another state as an additional condition of eligibility for ABAWDs. Time-limited benefit months and additional months received in another state are countable months if received during Wisconsin's current three-year fixed clock period.

Prior to certification, if there is indication that an adult food unit member aged 18-49 received SNAP in another state, the IM agency must verify the number of countable months, including additional months, that the individual received in the other state. The IM agency must specify Wisconsin's current three-year clock period or request the month and year the countable months were received in the other state.

Verification of countable months in another state prior to certification must not delay processing of the application beyond regular timeliness processing standards.

Note: TLB months do not need to be verified for individuals who received benefits in Puerto Rico or American Samoa. Puerto Rico and American Samoa do not operate a SNAP program. Instead, they operate a block grant for their programs, so they are not subject to the same rules and regulations as SNAP.

Example 17	<p>Zayne is 33 years old and lived in Ohio from October 2010 until he moved to Wisconsin in December of 2023. Wisconsin's current three-year clock started on January 1, 2022, and will end on December 31, 2024. Zayne applied for FoodShare in Wisconsin on December 17, 2023. During Zayne's FoodShare interview, he reported receiving SNAP benefits in Ohio during Wisconsin's current three-year period. Because Zayne is an adult aged 18-49 and indicated receipt of SNAP benefits in Ohio, the worker must verify the number of countable months Zayne used in Ohio. The IM worker must also ask Ohio for Zayne's benefit end date to complete the required duplicate benefit check at this time. The IM worker hears back from Ohio within one week and learns that Zayne earned countable months (TLBs) in April of 2023 and May of 2023. Zayne is determined eligible for FoodShare benefits in Wisconsin as an ABAWD and will receive prorated benefits for December 2023. Zayne's Wisconsin clock will reflect two TLBs earned for April 2023 and May 2023.</p>
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Example 18	<p>Sheila is 24 years old and lived in Indiana from September 2020 until she moved to Wisconsin in July of 2024. Wisconsin's current three-year clock started on January 1, 2022, and will end on December 31, 2024. Sheila applied for Foodshare July 12, 2024 and reported she was not working and did not have any exemptions from the FoodShare work requirement. During Sheila's FoodShare interview, she reported receiving SNAP benefits in Indiana during Wisconsin's current three-year period. Because Sheila is an adult aged 18-49 and indicated receipt of SNAP benefits in Indiana, the IM worker must verify the number of countable months Sheila used in Indiana and verify her benefit end date. The IM worker hears back and learns that Sheila earned countable months (TLBs) in September, October, and November of 2023. Sheila also used additional months in February, March, and April of 2024. Sheila does not meet policy requirements for regaining eligibility and is denied eligibility because she has exhausted her TLBs and additional months.</p>
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States that have a geographic waiver of the time limit of the work requirement for ABAWDs do not apply the time limit during the waiver period. States that have a partial geographic waiver may implement the time limit in portions of their state and those that do not have a waiver apply the time limit of the work requirement for ABAWDs statewide.

IM workers may use the link below to check if the other state was under a geographic waiver of the time limit of the work requirement for ABAWDs. If a state or geographic region is covered by a waiver, no countable months (TLBs) are applied to individuals residing in the covered area.

SNAP ABAWD Waivers

### **3.17.1.10 ABAWD Status and Referral Type**

**Non-ABAWD with a Non-TLB Referral Type:** A member who is not an ABAWD, or has a verified ABAWD exemption, is not subject to TLBs, and does not need to meet the FoodShare work requirement.

Non-ABAWDs are not subject to the FoodShare work requirement or TLBs during months in which they have a verified exemption. Workers must apply an exemption on the first of the month in which the exemption began, regardless of when the exemption is reported or whether it is verified timely. ~~Correct determination of ABAWD exemptions impacts whether or not members are subject to TLBs. ABAWDs may cycle on and off FoodShare benefits and may gain or lose exemptions for a variety of reasons.~~

**ABAWD with a TLB referral Type:** An ABAWD who is subject to TLBs and who must meet the FoodShare work requirement to maintain FoodShare eligibility after receiving three months of TLBs in the current three-year period.

A FoodShare member is an ABAWD if they do not have an exemption from the FoodShare work requirement, as determined by the IM agency. ABAWDs subject to TLBs need to meet the FoodShare work requirement to maintain ongoing eligibility for FoodShare. One of the ways these members can meet the FoodShare work requirement is through FSET participation.

All ABAWDs who are not currently meeting the FoodShare work requirement outside of FSET receive a systematic/automatic TLB referral to the FSET program. ABAWDs are not required to participate in FSET as a condition of FoodShare eligibility. However, they may lose eligibility for FoodShare due to failing to meet the FoodShare work requirement after exhausting three months of TLBs in the three-year period.

FoodShare members who have a pending exemption receive a referral to the FSET program as ABAWDs with a TLB referral type. Once an exemption is verified, a referral update is sent to notify the FSET agency of the status change.

Note: ~~For situations where more than one individual shares care giving responsibilities for a child under age six or an incapacitated person, the agency should work with the member to determine which individual has primary responsibility for care of the child or incapacitated person. The other individual's care giving responsibilities can be seen as work and the hours can count towards meeting the ABAWD work requirement, see 3.17.1.8 ABAWD DEFINITION OF WORKING. In most situations, only one individual may claim exemption under this provision for the care of an incapacitated individual. However, there may be an exception with medical documentation which specifies that more than one person is needed to provide the required care. An individual may request a fair hearing if they disagree with the IM agency's determination of ABAWD status (see Section 6.4.1 Fair Hearings).~~

**ABAWD- ABAWD with a Non-TLB Referral Type:** An ABAWD with a Non-TLB referral type is either meeting the FoodShare work requirement or is not subject to TLBs due to living in a waived area or on tribal land with a waiver.

A FoodShare member is still an ABAWD, but with a Non-TLB referral type, if he or she does not have an exemption from the ABAWD work requirement, as determined by the IM agency. ABAWDs they are subject to TLBs and need to meet the ABAWD work requirement to maintain ongoing eligibility for FoodShare. One living in an area of the ways these members can meet the ABAWD work requirement is through FSET participation.

All ABAWDs who state where the time limit is waived or if they are a tribal member living on tribal land where the time limit is waived. ABAWDs living in a waived area or on waived tribal land are not currently subject to TLBs during the months the waiver is in place.

ABAWDs who are meeting the ABAWD FoodShare work requirement outside of FSET or living in a waived area or on tribal land with a waiver will not receive a systematic/an automatic TLB-referral to the FSET program. ABAWDs who are meeting the ABAWD work requirement outside of FSET ABAWDs with a Non-TLB Referral Type may choose to be referred to the FSET program manually. ABAWDs are not required to participate in FSET as a condition of FoodShare eligibility. However they may lose eligibility for FoodShare due to failing to meet the ABAWD work requirement after exhausting three months of TLBs in a 36-month period voluntarily.

Note: ABAWDS living in a waived area or on tribal land with a waiver will be identified in CWW as Non-ABAWD with a geographic waiver exemption during the period from January 2022 to June 2022 and will be correctly identified as an ABAWD with a Non-TLB referral beginning July 2022 and onward.

### ~~3.17.1.5 Reserved~~

### ~~3.17.1.6 Verification of ABAWD Status and Exemptions From Time-Limited FoodShare~~

~~Exemptions from the ABAWD work requirement may be verified in any of the following ways:~~

- ~~• Agency form;~~
- ~~• Statement from health care, social worker, or AODA professional;~~
- ~~• Employer form/paystub/taxes/EVF-E;~~
- ~~• Upon receipt by using data exchanges;~~
- ~~• By using information known to the IM agency;~~
- ~~• Collateral contact; or~~
- ~~• Other acceptable written statement.~~

~~As long as an exemption exists for part of a month, the member is exempt for the entire month. Upon receipt of the exemption verification, workers must determine when the individual initially became exempt and remove TLBs that were incurred while the~~

~~individual was exempt. An exemption will not be applied until it is verified, so an ABAWD with a pending exemption will receive TLBs until the verification is received.~~

~~IM agency staff may use the FSET provider as a collateral contact or to provide an acceptable written statement to assist in the determination of ABAWD exemptions. The IM worker makes the final determination whether to apply an exemption to the member's case.~~

~~Another option to verify if a member is physically or mentally unable to work is the Medical Exemption from Work Requirement for ABAWD form (F-01598). The form is not required, and IM workers must accept other forms of verification for this exemption.~~

~~The effective date of an exemption is the first of the month the exemption situation exists as long as verification is provided. The FoodShare Clock Page may need to be adjusted once verification of an exemption is provided. (3.17.1.14)~~

~~Once workers receive verification they must determine when the individual became exempt and adjust the individual's current FoodShare Clock by removing TLBs that were incurred while the individual was exempt. Workers should adjust TLB month statuses but not supplement past benefit months. See 3.17.1.14 Adjusting or Deleting the FoodShare Clock Page (36-Month Period).~~

<p>Example 4</p>	<p>Angela is an ABAWD who is not meeting the ABAWD work requirement and does not claim an exemption during her application interview on July 7, so a referral is sent to FSET. Angela receives the FSET referral letter, which lists the ABAWD exemptions and types of proof that can be submitted. On August 25, Angela reports to her IM worker that she started regularly participating in an AODA treatment program on August 10 and is sent a verification request with a due date of September 5. If Angela submits verification, she will be treated as a non-ABAWD as of August 1. At that time, an update is sent to the FSET agency, notifying them of the ABAWD exemption.</p>
<p>Example 5</p>	<p>Olive received three TLBs in May, June, and July 2015. As a result, she became ineligible for FoodShare benefits in August 2015. In November 2017, Olive reapplied for FoodShare benefits. Her food unit now includes her daughter who was born in September 2015. During her in-person application, Olive mentioned her 2-year-old daughter and her date of birth. The worker discovered Olive could claim an exemption for the three TLBs incurred in 2015 because she was pregnant at that time. Upon request, Olive provides</p>

	<p>a copy of her daughter's birth certificate. Because Olive never actually incurred a TLB, the worker deletes Olive's FoodShare Clock and documents that Olive's daughter's birth certificate was used to verify an exemption for May, June, and July 2015 in Case Comments.</p>
<p><b>Example 6</b></p>	<p>Chip is an ABAWD who needs to meet the work requirement. He was referred to FSET in June 2017 and earned TLBs in June, July, and August 2017. He started work and met the ABAWD work requirement in September 2017.</p> <p>On December 1, 2017, Chip reports that his 14-year-old daughter had moved into his apartment in July 2017. The worker adds Chip's daughter to his food unit and overrides the status of the FoodShare Clock to "EX-Exempt" for the months of July and August 2017. The worker notes the removal of the July and August TLBs in Case Comments.</p>

### ~~3.17.1.7 ABAWD Work Requirement~~

In addition to FoodShare work requirements (~~3.16.1 WORK REQUIREMENTS~~) ABAWDs are required to meet an additional ABAWD work requirement as a condition of FoodShare eligibility.

An ABAWD is considered to be meeting the ABAWD work requirement if one of the following applies:

- ~~1. Working a minimum of 80 hours per month. Use converted work hours if paid weekly or bi-weekly;~~
- ~~2. Participating and complying with an allowable work program at least 80 hours per month;\*~~
- ~~3. Both working and participating in an allowable work program for a combined total of at least 80 hours per month; or~~
- ~~4. Participating and complying with the requirements of a workfare program.~~

~~\*Allowable work programs include FSET, Refugee Employment and Training, W-2, Trial Employment Match Program (TEMP), Children First, WIOA programs, Refugee Cash Assistance programs, and programs under section 236 of the Trade Act.~~

### ~~3.17.1.8 ABAWD Definition of Working~~

~~For ABAWDs, working is defined as one of the following:~~

- ~~1. Work in exchange for money;~~
- ~~2.1. Work in exchange for goods or services ("in kind");~~
- ~~3.1. Unpaid work (i.e. volunteer work, community service);~~
- ~~4.1. Self-employed at any wage; or~~
- ~~5.1. Any combination of the above.~~



## 3.17.1.9 Three Countable Months of Time-Limited FoodShare Benefits

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ABAWD eligibility for FoodShare is limited to three months of TLBs in a 36-month period if an ABAWD is not meeting the ABAWD work requirement and does not have a qualifying exemption. ~~The three TLB months do not have to be consecutive.~~

CWW will count any month as a TLB month in which an ABAWD received a full month of FoodShare benefits and he or she:

- ~~1. Is not meeting the ABAWD work requirement; and~~
- ~~2. Does not meet an exemption from the ABAWD work requirement; or~~
- ~~3. Does not verify an exemption from the ABAWD work requirement.~~

Note: Pro-rated FoodShare benefits are not counted as TLB months.

Example 7	Linda, an ABAWD who is not meeting the work requirement, applied for FoodShare and was found eligible with a certification period of July 2 through August 30. Linda's first TLB month is August because July benefits were prorated.
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Example 8	Libby is an ABAWD who earned two TLBs in November and December. On January 5, Libby reports and verifies that her roommate's child moved into her home on December 21. Libby, her roommate, and her roommate's child are in the same food unit. Libby's status changes to non-ABAWD effective December 1, the month the exemption existed.
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## 3.17.1.10 The 36-Month Period (Clock)

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During a 36-month period, an ABAWD may continue receiving FoodShare benefits or regain eligibility after exhausting the three months of TLBs as long as the ABAWD is meeting the work requirement or is determined to be a non-ABAWD.

### Counting the 36-Month Period

The 36-month period begins for individuals who are:

- Eligible for FoodShare;
- Determined to be an ABAWD; and
- Not meeting the work requirement.

Once started, the period continues uninterrupted for 36 months, regardless of FoodShare eligibility status, ABAWD status, or whether the work requirement or an

~~ABAWD exemption is met. The exceptions to this are if the FoodShare clock was created in error or if an exemption is verified for past months so the individual did not earn a TLB. See section 3.17.1.14 ADJUSTING OR DELETING THE FOODSHARE CLOCK PAGE. The period ends after 36 months have elapsed.~~

Example 9	Audrey, an ABAWD, applies and is determined eligible for FoodShare effective July 2, 2015. July is a partial month. Audrey does not meet the ABAWD work requirement in August. Audrey's 36-month period begins August 1, 2015 and runs continuously through July 31, 2018, regardless of changes in ABAWD status or FoodShare eligibility.
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### **Subsequent 36-Month Periods**

A new 36-month period will start with the first full benefit month after a 36-month period expires and when all of the following are met:

- ~~Is eligible for FoodShare;~~
- ~~Is determined to be an ABAWD; and~~
- ~~Is not meeting the work requirement.~~

A new 36-month period will not begin if the individual meets one of the following:

- ~~Ineligible for FoodShare;~~
- ~~Determined to be a non-ABAWD; or~~
- ~~Meeting the work requirement.~~

Example 10	Jeff's 36-month period began February 1, 2015. Jeff was meeting the work requirement when his 36-month period ended on January 31, 2018. A new 36-month period will not begin until Jeff stops meeting the work requirement as an ABAWD.
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Example 11	Jeff's 36-month period began February 1, 2015. Jeff was not meeting the work requirement and was an ABAWD when his 36-month period ended January 31, 2018. A new 36-month period will begin February 1, 2018.
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Example 12	<p><b>36-month Period</b></p> <p>The table below provides an example of potential changes in ABAWD status and exemptions that may occur during one 36-month period. The TLB months are not consecutive due to several factors including: FSET participation, gaining and losing employment, FoodShare ineligibility, and an exemption (receipt of unemployment compensation). Three consecutive additional months (3.17.1.12) are granted after FoodShare eligibility is regained due to meeting the work requirement.</p>
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Year	Jan.	Feb.	March	April	May	June	
1	Applied Eligible FS <b>TLB 1</b>	FSET	FSET	FSET	Work	Work	
2	Applied Eligible FS	UC	UC	UC ends	<b>TLB 2</b>	Work	
3	Work ends	Additional month 1	Additional month 2	Additional month 3	Ineligible	Ineligible	Ir

**Year 1:**

January 4	Eligibility for FoodShare begins for an ABAWD. A TLB is issued for the first full month of benefits.
February through April	The FSET participation requirement is met.
May through August	ABAWD work requirement met by working 80 hours or more per month.
September through December	Ineligible for FoodShare due to being over the income limit.

**Year 2:**

January through April	Receives UC.
January 15	Reapplies and is eligible for FoodShare.
April 5	Reports that UC benefits

	ended.
May	No longer exempt and a second TLB is issued.
June through September	ABAWD work requirement is met by working 80 hours or more per month.
October	Employment ended and no exemption exists. A third TLB is issued.
November through December	ABAWD work requirement met by working 80 hours or more hours per month.

**Year 3:**

January	Employment ends.
February through March	Three consecutive additional months of FoodShare are issued.
May through December	Ineligible for FoodShare because the ABAWD work requirement is not met and no exemptions exist.
December	The 36-month

### ~~3.17.1.11 Regaining Eligibility After Exhausting Three Months of Time-Limited Benefits~~

~~There is no limit on how many times an ABAWD may regain eligibility after exhausting three months of TLBs. A new application is required if the ABAWD re-requests FoodShare as a food unit of one unless the case has been closed less than 30 days and can reopen under break in service (2.1.1.3). If an ABAWD is requesting FoodShare on an on-going case, follow the person add policy to re-establish FoodShare eligibility (6.1.3.3).~~

~~ABAWDs who have exhausted three months of TLBs during a 36-month period may regain eligibility by:~~

- ~~• Meeting the ABAWD work requirement for at least 30 consecutive days prior to the new FoodShare filing date and currently meeting the ABAWD work requirement, OR verifying that the ABAWD work requirement will be met within 30 days of the new filing date. The ABAWD work requirement can be met by:
 
  - ~~○ Working (3.17.1.8) a minimum of 80 hours in the 30-day period;~~
  - ~~○ Participating in and complying with requirements of an allowable work program (3.17.1.8) for at least 80 hours in the 30-day period (3.17.1.7); or~~
    - ~~▪ FoodShare eligibility is a required prerequisite to FSET enrollment, so an ABAWD cannot regain eligibility through FSET participation after FoodShare closes.~~
    - ~~▪ If an ABAWD is FoodShare eligible at the time of the FSET referral and enrollment, the ABAWD can participate in FSET and be expected to meet the ABAWD work requirement. The ABAWD can continue to participate in FSET until they stop meeting the ABAWD work requirement and do not qualify for another exemption.~~
  - ~~○ A combination of work and participation in an allowable work program for a minimum of 80 hours in the 30-day period;~~~~
- ~~• Providing verification of a current non-ABAWD exemption at the time of the application;~~
- ~~• Providing verification of an exemption that removes one or more TLBs; or~~
- ~~• The ABAWD's 36-month period expires.~~

~~An ABAWD who has exhausted three months of TLBs and is not meeting one of the above requirements at the time of re-application is ineligible for FoodShare. If the ineligible ABAWD is a member of an open food unit, the ABAWD will be counted as a pro-rated deemer. See 4.7.5 PRORATED DEEMING.~~

**Note:**

~~If an individual has exhausted his or her three TLBs, is reapplying or re-requesting FoodShare, and has a pending exemption or non-ABAWD status, the manual CARES~~

Worker Web letter, FSET PROOF OF EXMPT  
—NFST, must be sent to request verification.  
To send this letter in Spanish, use the manual  
NFSS letter.

**Example 13**

Stella's FoodShare closed on October 31 after three TLBs were issued for August, September, and October. Stella reapplies for FoodShare on January 2. During the FoodShare interview Stella reports that she had gained seasonal employment of 20 hours per week from November 8 through December 28. Stella's application is denied. Although she worked 30 consecutive days, she was not meeting the ABAWD work requirement at the time of application. Had Stella's job not ended, FoodShare eligibility would be effective from her filing date.

**Example 14**

Gracie received three TLBs for November, December, and January. Her FoodShare closed January 31. Gracie claims an exemption when she re-applies for FoodShare on February 10. Verification of the exemption is requested by the IM worker. Gracie failed to submit verification until after the 30 day application processing period. Gracie's FoodShare application is denied.

**Example 15**

Toby is open for FoodShare on a case with his girlfriend and cousin. Toby received three TLBs for January, February, and March. FoodShare remains open for Toby's girlfriend and cousin. Toby becomes a pro-rated deemer effective April 1. On May 12, Toby requests to be added back into the food unit. He has been working at Target since May 5. He works 10 hours a week, and provides paystubs for verification. When eligibility is run, Toby is found ineligible for FoodShare because he is not fully meeting the ABAWD work requirement. He will continue to be a pro-rated deemer.

## **3.17.1.12 Three Additional Months of FoodShare Benefits**

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In certain cases, an ABAWD who has exhausted three months of TLBs, regains eligibility by meeting the ABAWD work requirement, and then stops meeting the ABAWD work requirement, may receive up to three additional consecutive months of

~~FoodShare eligibility, during which he or she is not required to meet the ABAWD work requirement.~~

~~The three additional months of FoodShare eligibility will be determined by CWW and:~~

- ~~1. Apply only to ABAWDs who have exhausted three months of TLBs, regained FoodShare eligibility by meeting the ABAWD work requirement (3.17.1.11), and then stopped fulfilling that ABAWD work requirement while receiving FoodShare; and~~
- ~~2. May only be received one time during a 36-month time period; and~~
- ~~3. 11 Must be applied consecutively, regardless of changes in FoodShare eligibility or ABAWD status.~~

### ~~3.17.1.13~~ 3.17.1.11 **FSET Participation and FoodShare Eligibility for ABAWDs**

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Participation in the FSET program is voluntary. A voluntary FSET program means that an ABAWD may choose to meet the FoodShare work requirement through participation in FSET. All ABAWDs are systematically referred to FSET, so that they have the opportunity to choose to participate, as soon as possible, and not exhaust his or her time-limited benefit months.

A voluntary FSET program also means that FoodShare work registrants are not required to participate in FSET in order to meet the work registration requirements.

All FoodShare members over the age of 16 who do not need to meet the **ABAWD FoodShare** work requirement can be referred to FSET for services at their request. There are two types of referrals, TLB referrals and Non-TLB referrals.

**TLB referrals:** ABAWDs who are not meeting the work requirement must be referred to the FSET program, and they may choose to meet the **ABAWD FoodShare** work requirement by participating in FSET. An ABAWD with a TLB referral who enrolls in FSET must participate in qualifying activities in order to meet the **ABAWD FoodShare** work requirement and maintain ongoing FoodShare eligibility. See the **FSET Handbook** FSET Handbook for more information on qualifying and non-qualifying activities.

**Non-TLB referrals:** ABAWDs who are meeting the **ABAWD FoodShare** work requirement outside of FSET-, ABAWDs living in an area of the state where the time limit is waived or if they are a tribal member living on tribal land where the time limit is waived, and non-ABAWDs have the option of being referred to FSET. ~~ABAWDs with a non-TLB referral will still earn TLBs if they discontinue meeting the ABAWD work requirement.~~

FSET agencies must enter participation information for all FSET participants in the FSET tool in CWW. This information will be ~~sent to CWW~~ used to determine FoodShare eligibility. IM workers can check the FoodShare Clock page to see ABAWD status if FoodShare eligibility is affected by FSET compliance. ~~See 3.17.1.16 FOODSHARE CLOCK~~

~~SYSTEM UPDATES AND STATUSES.~~ (see SECTION 3.17.1.13 FOODSHARE CLOCK SYSTEM UPDATES AND STATUSES).

## Anticipated to Meet the **ABAWDFoodShare** Work Requirement Through FSET Participation

Although FoodShare benefits are issued prospectively at adverse action, knowledge of actual FSET participation is retrospective. When an ABAWD is in their third TLB or third additional month\* and is actively participating in FSET, the 'Anticipated to Meet the **ABAWDFoodShare** Work Requirement' option should be used by the FSET worker if it is reasonably anticipated that the participant will meet the current month's **ABAWDFoodShare** work requirement through FSET participation. This is necessary in order for **CARESCWW** to determine FoodShare eligibility prospectively for the next month. ~~See (see 3.17.1.16 FOODSHARE CLOCK SYSTEM UPDATES AND STATUSES FOR ACTIVE IN FSET AND EXTENDED BENEFIT DEFINITIONS.~~ SECTION 3.17.1.13 FOODSHARE CLOCK SYSTEM UPDATES AND STATUSES for active in FSET and Extended Benefit Definitions).

\*-ABAWDs in the third additional month must also have met the FSET participation requirement during the second additional month ~~in order~~ to be eligible for on-going FoodShare benefits by participating in FSET beyond the three additional months.

FoodShare benefits issued based on reasonable anticipation of FSET participation are recoverable if the ABAWD fails to meet the **ABAWDFoodShare** work requirement through FSET participation without good cause. The existing benefit recovery process should be followed if the IM agency becomes aware that the member did not fulfill their participation requirements when this policy was applied (see Section 7.3.1 **Benefit Overpayment**).

### BENEFIT OVERPAYMENT).

If the FSET agency assumed in the third month that the participant will not meet the **ABAWDFoodShare** work requirement and at the end of the month the participant met the **ABAWDFoodShare** work requirement. The IM worker must process the case to make sure the individual's benefits continue. The FSET agency will notify the IM agency if this circumstance occurred. The IM worker must ensure that the FoodShare Clock System Status is accurate and may need to adjust the status to reflect the FSET participation.

## 3.17.1.12 Adjusting the FoodShare Clock Page

### ~~3.17.1.14 Adjusting or Deleting the FoodShare Clock Page (36-Month Period)~~

~~Deleting or adjusting~~ Adjusting the FoodShare Clock page may be required to accurately reflect ABAWD status and FoodShare eligibility. for a specific month. The timing of the receipt and processing of verification may result in ~~the 36-month clock beginning~~



~~incorrectly or~~ a month being counted as a TLB, even though the ABAWD is later determined to be a non-ABAWD or an ABAWD with a non-TLB referral type during that same month. ~~The 36-month clock starts when an ABAWD is issued their first TLB. The 36-month clock should be deleted if proof of the exemption is submitted and no other TLBs exist.~~

Example 16	Al applies and is determined eligible for FoodShare beginning September 1. During the application interview, Al reported that he met an exemption. Al provides verification 25 days after his filing date. The exemption is effective September 1. Since FoodShare was not prorated for the month of application and Al's clock had begun, the FoodShare clock page should be deleted.
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Example 17	Julie applies for FoodShare and is found eligible as an ABAWD as of August 10. Her 36-month clock begins September 1. She reported during her phone interview on August 15 that she is pregnant and has been since before her FoodShare application. The worker sends her the verification checklist with a due date of September 11. She provides proof of pregnancy on September 1. The worker updates the Pregnancy page, then runs and confirms eligibility. She is considered a non-ABAWD and her 36-month clock is deleted.
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If an individual is removed from all Wisconsin assistance programs, the clock will continue to tick. If that individual later reappplies or is added to a food unit within the 36-month period, the existing clock will be systematically updated and become viewable on the current case.

Example 18	Gus and Lucy are receiving FoodShare together and both are ABAWDs. They each have their own 36-month clock that begins on September 1, 2015. Gus moves out of the home and is removed from the food unit on December 10, 2015; he does not apply for FoodShare on another case. He moves back in with Lucy on June 10, 2016 and is added back to her food unit. He will have the same clock with the September 1, 2015 begin date and his clock will show his monthly status as 'Ineligible' from January 1, 2016 through June 30, 2016.
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### **Adjusting the a FoodShare Clock Month Due to Verification Receipt of an Exemption or Work Hours**

The A FoodShare Clock month may need to be adjusted ~~or deleted~~ when a worker receives verification of an exemption which caused:

~~• The 36-month clock to begin in error, or~~  
A a month being counted as a TLB month when an exemption existed, or the member met the work hour requirement.

IM workers may make adjustments to ~~the~~ a specific FoodShare Clock month by overriding a System Status. They should identify the cause of the incorrect clock status and override the FoodShare Clock System Status to the correct status for the relevant months. More than three “Time-Limited Benefit” statuses cannot be entered on a FoodShare Clock for the current three-year clock. Workers should document changes to the clock in the case record.

Workers must document the steps they took to apply an exemption: .

If the exemption only applies to past months, workers must note in **Case Comments** case comments how they verified the exemption and the months in which the exemption was effective. Workers should not update the ~~corresponding~~ additional pages in CWW related to the exemption if the exemption only applies to past months.

If the exemption applies to both the current month and past months, workers must note in **Case Comments** case comments how they verified the exemption and the months in which the exemption was effective. Workers must also update the appropriate pages in CWW, using the current month as the Begin Month, and then run and confirm eligibility on the case (so that the exemption will apply to future months as well).

<u>Example 19</u>	<u>Olive received three TLBs in May, June, and July in the first year of the current three-year clock period. As a result, she became ineligible for FoodShare benefits in August. Olive reapplied for FoodShare benefits during the second year of the same three-year clock period. Her food unit now includes her daughter who was born in September of the previous year. During her in-person application, Olive mentioned her 2-year-old daughter and her date of birth. The worker discovered Olive could claim an exemption for the three TLBs incurred because she was pregnant at that time. Upon request, Olive provides a copy of her daughter’s birth certificate. The worker adjusts the clock to remove the three TLBs and documents that Olive’s daughter’s birth certificate was used to verify an exemption for the adjusted former TLB months in case comments. Because the pregnancy exemption only applies to past months, the IM worker does not update the Pregnancy page when making the adjustments.</u>
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## **Adjusting the FoodShare Clock Due to a Fair Hearing Decision**

Fair hearing decisions may also require an adjustment to the 'System Status' displayed on one or more months of the FoodShare Clock Page. The IM worker ~~can~~ will need to make the adjustment to the appropriate clock status if it is required per the fair hearing decision.

## Clock Adjustments

The FoodShare clock page is automatically updated several times each month and because these updates are triggered based on the system statuses, it is critical that IM workers thoroughly review the clock to determine correct system statuses before making any manual adjustments. System statuses that are incorrectly updated may result in a case not being scheduled for the correct batch run(s) and may also affect an individual's FoodShare eligibility. Any time that a manual adjustment to a clock is needed, IM workers must enter case comments to explain the action taken.

### ~~3.17.1.15 Additional ABAWD Reporting Requirement~~

~~ABAWDs are required to report if their work hours drop below 80 hours per month by the 10th of the month following when the change occurred. ABAWDs are not required to report other changes in ABAWD status or a change in exemption (6.1.1 Change Reporting for All Food Units (Simplified)).~~

~~An overpayment claim should not be established if benefits were issued for a month that the ABAWD was not exempt or meeting the ABAWD work requirement due to a change in exemption or ABAWD status that was not required to be reported.~~

~~Adverse action rules continue to apply.~~

<p>Example 19</p>	<p>Carol was issued a second TLB for the month of August. In September, Carol's ABAWD status changes to 'Non-ABAWD' after she reports and provides verification of participation in an AODA treatment program which started on September 7. During her March FoodShare renewal, Carol reports that AODA treatment ended in October. An overpayment is not established for FoodShare benefits issued from October through March because she was not required to report the change in exemption status due to reduced reporting.</p>
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### ~~3.17.1.16~~ 13 FoodShare Clock System Updates and Statuses

FoodShare Clock 'System Status' updates to the FoodShare clock may occur when one of the following occurs:

- Eligibility is run and confirmed for the recurring or current month;
- ~~The new~~ A batch job runs on the second Saturday of the month to collect prior month's information from the "Work Requirement Met?" field on the FSET Tool's Track Participation and Good Cause page;
- ~~The new~~ A batch job runs on adverse action to collect current month information from the "Anticipated to Meet Work Requirement?" field on the FSET Tool's Track Participation and Good Cause page; ~~of~~
- Eligibility is run and confirmed in the adverse action batch run;

## FoodShare Clock System Statuses

Active in FSET	Individual is participating in FSET for the current month; and is expected to meet the <del>ABAWD</del> <u>FoodShare</u> work requirement by the end of the month. This is only set if the individual is in their third TLB month, third additional month, or extended benefit month.	
Additional Month	Individual has exhausted all TLB months and has been granted three consecutive months of additional benefits due to meeting the <del>ABAWD</del> <u>FoodShare</u> work requirement.	
Clock Not in Effect	<u>Individual is ineligible for FoodShare, previously not known to CWW, or is not subject to FoodShare work requirement.</u>	
	<table border="1"> <tr> <td><u>Example 20</u></td> <td><u>Jason applies for FoodShare for the first time part way through three-year clock timeframe. The entire timeframe of the three-year clock will display on their case and any months prior to the month applied will show this status.</u></td> </tr> </table>	<u>Example 20</u>
<u>Example 20</u>	<u>Jason applies for FoodShare for the first time part way through three-year clock timeframe. The entire timeframe of the three-year clock will display on their case and any months prior to the month applied will show this status.</u>	
Exempt	Criteria which results in a non-ABAWD status. Non-ABAWDs are <u>exempt and</u> not required to meet the <del>ABAWD</del> <u>FoodShare</u> work requirement for the month.	
<u>Exempt - GW</u>	<u>Individual is subject to a geographic waiver of the time limit of the FoodShare work requirement. This is not a countable TLB month.</u>	
Extended Benefit Month	Individual has used three TLB and three additional months, has participated in FSET in the second and third additional month, and is expected to participate in FSET the month this status is applied.	
Incarcerated	Individual was incarcerated for 30 days or less.	
Ineligible	Individual is ineligible for FoodShare.	
Met FSET Requirement	Individual met the <del>ABAWD</del> <u>FoodShare</u> work requirement by participating in FSET.	
Met Work Requirement	Individual met the <del>ABAWD</del> <u>FoodShare</u> work requirement by working and/or participating in a work program.	

Partial Month FoodShare Issued	Individual received a partial month of FoodShare benefits. This is not a countable <u>TLB</u> month.
Time-Limited Benefit	Individual received a full month of FoodShare as an ABAWD and did not meet the <u>ABAWD FoodShare</u> work requirement <u>or received a TLB, known as a countable month, in another state.</u>

### ~~3.17.1.17 Countable Months From Another State~~

~~Time-limited months and additional months received in another state are countable months if the ABAWD already had a 36-month clock established in Wisconsin prior to moving to the other state. In this case, the IM agency must verify the number of countable months the individual received in the other state. If the individual did not establish a 36-month clock prior to moving to another state, the IM agency would not need to verify countable months received in the other state. Use the link below to view the list of states that currently have an ABAWD waiver.~~

~~<https://www.fns.usda.gov/snap/abawd-waivers>~~

~~States that have an ABAWD waiver do not currently apply ABAWD policies, those that have a partial waiver may implement ABAWD policies in portions of their state, and those that do not have an ABAWD waiver apply ABAWD policies statewide.~~

~~If the individual did not establish a 36-month clock prior to moving to another state, the IM agency would not need to verify countable months received in the other state.~~

View History

## 4.2.1 Categorical Eligibility

1. [4.2.1.1 Categorical and Broad-Based Categorical Eligibility Introduction](#)
2. [4.2.1.2 Case Processing](#)
3. [4.2.1.3 Special Circumstances](#)
4. [4.2.1.4 Transitional FoodShare Benefits](#)
5. [4.2.1.5 Elderly, Blind, or Disabled Food Units](#)

7 CFR 273.2(j)(2)

### 4.2.1.1 Categorical and Broad-Based Categorical Eligibility Introduction

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In its traditional form, categorical eligibility conveys FoodShare eligibility based on a food unit's receipt of cash assistance from Supplemental Security Income (SSI), the Temporary Assistance for Needy Families (TANF) block grant (such as, but not limited to, W-2 or Child Care), or state-run General Assistance (GA) programs (cash assistance for low-income individuals).

#### **Categorically Eligible Food Units:**

A categorical food unit is defined as all adult food unit members receiving any of the following:

- SSI,
- TANF benefits, ~~or~~
- GA (general assistance) benefits.

Categorical food units have no gross, net, or asset test.

- If 30% of the net counted income is higher than the maximum allotment, the assistance group might not qualify for an allotment.
- One- or two-person assistance groups, which are eligible for the minimum allotment, are the exception.

Since the 1996 welfare reform law, states have been able to expand categorical eligibility beyond its traditional bounds. This is known as broad-based categorical eligibility (BBCE).

#### **Broad-Based Categorical Eligibility (BBCE)**

Most food units are considered broad-based categorically eligible if their gross income is at or below 200% FPL and the language describing "Job Center of Wisconsin" services, a partially TANF-funded service that all food unit members are authorized to receive, is issued to the food unit on a ~~CARES~~ CWW generated notice of decision. The following text will appear on FoodShare approval and change notices.

"Job Center of Wisconsin" (formerly known as JobNet) is available to you. Job Center of Wisconsin is the single largest source of job openings in Wisconsin, you can access Job Center of Wisconsin via the internet at <http://www.wisconsinjobcenter.org/> or on touch screen monitors at your local job center. To locate a Job Center of Wisconsin nearest you call 1-888-258-9966."

Broad-based categorically eligible food units have no asset test.

## Loss of Broad-Based Categorical Eligibility

The food unit is not considered to be broad-based categorically eligible if one of the following occurs:

- Total gross income is above 200%
- Any member of the food unit loses FoodShare eligibility because ~~he or she~~ was they were disqualified for an IPV (see Section 3.14.1 Intentional Program Violation (IPV) Disqualification)
- Any member of the food unit loses FoodShare eligibility because ~~he or she~~ was they were disqualified due to a drug felony sanction (see Section 3.20.1 Drug Felons), ~~or~~
- The primary person is disqualified for failure to comply with the ~~work registration requirements (3.16.1.2 FOODSHARE WORK REQUIREMENTS)~~ FoodShare basic work rules (see SECTION 3.16.1.2 FOODSHARE BASIC WORK RULES)

Food units that contain a member who is sanctioned for an IPV or drug felony continue to be eligible to receive TANF Job Center of Wisconsin services so assets are excluded and not deemed. The sanctioned food unit member's income continues to be deemed. The food unit is no longer considered categorically eligible so it must be tested using the regular SNAP program gross and net income limits. ~~See (see Section 8.1.1 Income Limits for those income limits.)~~

If the food unit's gross income goes over 200% of FPL, the case will close. A negative notice will be sent with reason code 013: Income reported exceeds the program eligibility standard.

Broad-based categorically eligible FoodShare assistance groups with zero benefit allotment amounts will be denied. The denied or closed FoodShare assistance group can file a new application and complete an intake interview if they wish to be reconsidered for FoodShare eligibility.

### 4.2.1.2 Case Processing

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~~CARES-CWW~~ will deny or close the FoodShare benefits automatically when the FoodShare assistance group's adjusted income is greater than the allotment amount. ~~CARES-CWW~~ will issue a closure notice that will include reason code 557: "Your net income exceeds the level to receive FoodShare benefits."

Except during an initial month, all eligible one- and two-person food units shall receive the minimum ~~\$45-20~~ allotment, when the gross income is below 200% FPL<sub>1</sub> and the net adjusted income exceeds the net income limit.

A denied or closed FoodShare assistance group can file a new application and complete an intake interview if they wish to be reconsidered for FoodShare eligibility.

### 4.2.1.3 Special Circumstances

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FoodShare assistance groups with zero FoodShare benefits in their initial benefit month and an allotment greater than zero in the second month will be denied in the first month and opened in the second month. The 12-month FoodShare certification period will begin the month of application even though the first month may be denied because the allotment amount is zero. If the benefit calculation is zero for the first two months, the application will be denied.

Example 1	Barry applied for FoodShare in August after he lost his job. Barry received zero for August (due to excess income) and was found eligible for \$98 in September. His certification period starts in August.
Example 2	Tiffany applied for FoodShare on March 28. Tiffany was found eligible but received zero dollars for March because her benefits were prorated. In April she is eligible for \$55. Her certification period starts in March and her renewal will be due in February of the next year.

### 4.2.1.4 Transitional FoodShare Benefits

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If the FoodShare benefit is reduced to zero for the month between the benefit determination month and the month transitional FoodShare benefits (TFS) begin, the case will remain open. ~~See 5.1.1 TRANSITIONAL FOODSHARE BENEFITS (TFS).~~ (see SECTION 5.1.1 TRANSITIONAL FOODSHARE BENEFITS (TFS)).

Example 3	Donna got a job in July and her last W-2 check was issued in August. Her TFS benefit starts in September. Her income from her new job impacted her August allotment. The August allotment was reduced to zero. However, the TFS benefit amount is based on the July budget minus the W-2 payment amount. The case remains open during the month of August and her TFS benefits start in September using the July information.
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## 4.2.1.5 Elderly, Blind, or Disabled Food Units

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Food units that include an elderly, blind or disabled member with gross income over 200% of the FPL must be tested for FoodShare using the regular SNAP rules. Under the regular SNAP rules, these food units have no gross income limit, but must have net income that does not exceed 100% FPL and countable assets that do not exceed the asset limit of \$3,500. ~~See~~ 750 (see Section 8.1.1.2 Regular SNAP Program Income Limits-).

### 4.4.1.6.1 Period of Ineligibility

Add the value of the divested assets to other countable asset values. Determine how much this total exceeds the FoodShare assistance group's asset limit. Use the chart in 8.1.4 Disqualification for Divestment to determine the ineligibility period.

Example 7	<p>An EBD food unit of one with \$1,250 in savings transferred the ownership of non-homestead property worth \$5,650 to a person not in the same FoodShare unit. As calculated:</p> <p>\$ 5,650 = value of property = countable divested value + 1,250 = food unit's existing assets \$ 6,900 = total of food unit's assets and divested value - 3,500<del>750</del> = food unit's asset limit \$3,400<del>150</del> = divested value in excess of food unit's asset limit.</p> <p>The divested value in excess of food unit's asset limit is used to calculate the FoodShare disqualification period. Disqualify the food unit for nine months.</p>
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The period of ineligibility begins at either:

1. The month of application, or
2. The first allotment issued after the notice of adverse action period has expired in an ongoing FoodShare case, unless a fair hearing and continuation of benefits is requested.

## 4.6.4.1 Allowable Medical Expenses

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Allow previously acquired charges (not yet paid) and current payments when calculating a medical expense deduction. Previously acquired charges include charges incurred any time before or during the certification period, as long as the individual is still obligated to pay the expense and the incurred expense has not been previously allowed as a FoodShare deduction.

Past unpaid medical bills can be used to prospectively budget recurring medical expenses at application or renewal.

One-time medical expenses (i.e. hospital bills) can be budgeted for one month or averaged over the remaining certification period.

Medical expense payments made during the certification period are allowable. Medical expenses paid prior to the certification period are not allowable.

Example 1	Jack has surgery in January and receives a hospital bill for \$400 in February. Jack then applies and becomes eligible for FoodShare in April. At the time of application, Jack has not made any payments toward the medical bill. The IM worker can use the entire \$400 hospital bill when calculating Jack's medical expense deduction.
Example 2	Jack has surgery in January and receives a hospital bill for \$400 in February. He makes his first \$50 monthly payment toward his medical bill in March. Jack then applies and becomes eligible for FoodShare in April. The IM worker cannot use the \$50 March payment when calculating the medical expense deduction. The IM worker can, however, use the remaining \$350 of the hospital bill ( $\$400 - \$50 = \$350$ ) to calculate the deduction.

Allowable medical expenses are:

1. Medical and dental care (including psychotherapy and rehabilitation services) provided by a state-licensed practitioner, other qualified health professional, chiropractors, or acupuncturist.
2. Hospitalization, outpatient treatment, nursing care, and nursing home care. This includes payments by the food unit for a person who was a food unit member immediately before entering a state-recognized hospital or nursing home.
3. Prescription drugs when prescribed by a licensed medical practitioner authorized under state law. This includes the cost of postage for mail-order prescription drugs.
4. Over-the-counter medication when approved by a licensed practitioner or other qualified health professional.

5. Sickroom equipment (including rental), other pre-scribed equipment, and medical supplies.
6. Health insurance premiums, hospitalization insurance premiums, ~~and~~ Medicare premiums, and monthly HealthShare contributions.
  1. Nursing home care insurance policies are deductible only if the policy states that the benefits are intended to pay medical bills. If the policy is intended to pay medical bills, it is reasonable to conclude that the food unit member intends to use the benefits for paying medical bills rather than normal living expenses.
  1. Only allow the premium of the elderly, disabled, or blind food unit member. For example, a mother pays \$165 for herself and her disabled son. If she only covered herself, the payment would be \$100. Therefore, \$65 is the expense for the child. Count the \$65 as an allowed medical expense. If the premium amount intended for the eligible food unit member is unknown, prorate the premium and allow the EBD member's portion of the premium as the expense. For example, a disabled husband, a non-disabled wife, and two children have a family health insurance plan. It cannot be readily determined how much of the premium is for the disabled husband. The premium is \$1,000 per month. To find the husband's share of the premium divide the total premium \$1000 by the number of people covered under the plan, which is four. The premium amount per person is \$250. The husband's allowable premium expense is \$250.
7. Dentures, hearing aids, and prosthetics.
8. Purchase and maintenance costs of any service animal specially trained to perform some function that the EBD food unit member cannot readily perform on their own.
  1. This includes the cost of securing and maintaining a service animal (such as food and veterinarian care.)
  1. This also includes companion animals specifically trained to assist the EBD food unit member with the medical issue for which a licensed practitioner prescribed the animal. (The trainer does not need to have any special credentials and can be the person claiming the deduction as long as the animal is trained to do a specific function the EBD person cannot do for themselves.)
  1. Reimbursement for each expense is an allowable deduction if:
    - i. Only for the amount of the actual expense.
    - ii. It does not represent a gain or benefit to the food unit as do normal living expenses such as rent or mortgage, personal clothing or food eaten in the home.
    - iii. It is provided specifically for an identified expense.
    - iv. It is used for the purpose intended.
9. Eye glasses and contact lenses prescribed by an ophthalmologist or optometrist.
10. Reasonable cost of transportation and lodging to obtain medical care. For transportation when the expense has not or will not be reimbursed by a third party, allow:

1. The actual cost of the public carrier (taxi, bus, etc.); or,
  1. If a private vehicle, the lesser of the mileage rate paid by the county (to employees) or by the state for unrepresented state employees. See [F-80190](#) to obtain the current state rates.
11. Charges for an attendant, homemaker, home health aide, child care, or housekeeper necessary due to age, infirmity or illness.
12. Treat attendant care costs that qualify either as a medical or dependent care deduction as a medical deduction.
1. Deduct an amount equal to the one person allotment if the food unit furnishes the majority of the attendant's meals. Use the allotment in effect the last time eligibility was determined.
  1. You must update the amounts at the next scheduled renewal but may do so earlier.
  1. Any cost-sharing, co-payment, or Medicaid deductible expense incurred by a Medicaid member, including Medicaid deductible pre-payments.
  1. Payments made on a loan's principal if it was used to pay a one-time medical expense. Do not allow loan expenses, such as interest.
  1. BadgerCare Plus and Medicaid Purchase Plan (MAPP) premiums.
  1. The SeniorCare enrollment fee.
  1. Lifeline/MedicAlert. The costs of Lifeline or MedicAlert devices used by persons to contact medical help in emergencies are an allowable medical expense deduction for FoodShare benefits if prescribed by a licensed practitioner or other qualified health professional.
  1. Medical expenses billed on a charge card are allowable. The interest cannot be included as a deduction.
  1. Exercise equipment prescribed by a licensed practitioner or qualified health professional. A recommendation or referral for the equipment is not valid justification to allow the expense.
  1. The cost of a medically necessary app or any subscription fee associated with the app. This could include, but is not limited to: an insulin monitoring app or an app that reminds someone to take their medications. Verification that the app was prescribed and is medically necessary is required from a medical professional.

## 4.7.5 Prorated Deeming

1. [4.7.5.1 Pro-rated Income](#)
2. [4.7.5.2 Pro-rated Medical Expenses](#)
3. [4.7.5.3 Pro-rated Child Support Payments](#)
4. [4.7.5.4 Pro-rated Dependent Care Expenses](#)
5. [4.7.5.5 Pro-rated Shelter Expenses](#)

Pro-rated deemers include individuals disqualified from FoodShare eligibility due to one of the following:

1. Non-qualifying immigration status, ~~or~~
2. Failure to provide or apply for a social security number, ~~or~~
3. ABAWDs who:
  1. Have used their three time-limited benefit months, ~~and~~ either in Wisconsin or another state, or a combination of both
  1. Are not meeting the ~~ABAWD~~ FoodShare work requirement or an exemption, ~~and~~
  1. Are no longer eligible for FoodShare benefits, ~~and~~
  1. Have ~~not~~ been determined ineligible within an open food unit of other eligible members.

Note: ABAWDs who are disqualified from FoodShare eligibility and become a pro-rated deemer will automatically regain eligibility if they are part of an open FoodShare assistance group when the three-year clock restarts.

Note: When performing a manual calculation, do not include pro-rated deemers in the FoodShare assistance group when doing any of the following:

- Determining the amount of the FoodShare benefit allotment, ~~or~~
- Assigning a standard deduction to the FoodShare assistance group, ~~or~~
- Comparing the FoodShare assistance group's monthly income with the income eligibility standards.

Example 1	Toby received three time-limited benefit months for January, February, and March. FoodShare remains open for Toby's girlfriend and cousin. Toby becomes a pro-rated deemer effective April 1. <del>On May 12, Toby requests to be added back into the FoodShare assistance group. He has been working at Target since May 5. He works 10 hours per week, and provides pay stubs for verification. When eligibility is run, Toby is found ineligible because he is not fully meeting the ABAWD work requirement and he will continue to be a pro-rated deemer.</del>
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Prorate the ineligible person's income and expenses between those in and out of the FoodShare assistance group. Calculate the amount of pro-rated income and expenses to deem to the FoodShare assistance group separately.

## 4.7.6 Gross Deeming

7 CFR 273.22(c)(1)

Gross deemers include individuals disqualified from FoodShare eligibility due to any of the following reasons:

- IPV disqualification (see Section 3.14.1); Intentional Program Violation (IPV) Disqualification)
- Fleeing felons (see Section 3.19.1); Fleeing Felons and Probation and Parole Violators)
- Probation or parole violators (see Section 3.19.1); Fleeing Felons and Probation and Parole Violators)
- Drug felony sanctions (see Section 3.20.1); Drug Felons)
- Work registration sanctions (~~3.16.1.4~~); or (see SECTION 3.16.1.4 REGISTERING FOR WORK)
- A failure to take a drug test (see Section 3.20.1.1 Applications)

Count these ineligible individuals' income and expenses as if ~~he or she was~~ they were a member of the FoodShare assistance group. Do not include them in the group to determine the amount of the FoodShare benefit allotment, assigning a standard deduction to the group, or when comparing the group's monthly income with the income eligibility standards. The FoodShare assistance group's benefit allotment cannot be increased as a result of the exclusion of one or more food unit members.



## 5.1.1 Transitional FoodShare Benefits (TFS)

### 5.1.1.2 TFS Benefit Calculation

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7 CFR 273.26

7 CFR 273.27

The TFS allotment is calculated using the income (less the W-2/TT payment), expenses, and FoodShare assistance group size from the month prior to the last W-2/TT cash payment (benefit determination month). This amount is frozen for the next five consecutive months, regardless of the number of months remaining in the most recent certification period for regular FoodShare. A new 12-month certification period will begin when the FoodShare assistance group reapplies and is eligible for FoodShare at the end of the TFS benefit period.

If a change is reported or becomes known to the agency, the change will be acted upon at time of reapplication at the end of the TFS benefit period. Tribal TANF participants must report the end of their placement and payments 45 days following the end of their placement.

If the initial W-2/TT placement is valid the participant is eligible to receive TFS benefits when the W-2/TT payment ends. This includes cases where some of the W-2/TT payments may be recouped because the member failed to report a change or the placement was not ended correctly. If the initial W-2/TT placement was based on fraudulent information and the total W-2/TT payments are being recovered, the household is not eligible for the TFS benefit. Calculate the correct FoodShare benefit based on non-TFS criteria for the months the household was incorrectly open for TFS to determine if there is an over/under payment.

## 7.1.1 Allotments

### 7.1.1.4 Minimum Allotment for One or Two Person Food Units

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7 CFR 273.10 (e)(2)(ii)(C)

Categorically eligible food units that include one or two persons are eligible for a minimum \$~~15~~20 allotment, except for the initial prorated benefit which cannot be less than \$10.