



Iowa Department of Human Services

Terry E. Branstad
Governor

Kim Reynolds
Lt. Governor

Charles M. Palmer
Director

November 1, 2013

GENERAL LETTER NO. 7-I-36

ISSUED BY: Bureau of Financial, Health and Work Supports
Division of Adult, Children and Family Services

SUBJECT: Employees' Manual, Title 7, Chapter I, ***SPECIFIC HOUSEHOLDS AND PARTICIPANTS***, pages 7, 28, 29, and 35, revised.

Summary

Chapter 7-I is revised to:

- ◆ Update the chart "Amount Needed to Earn a Qualifying Quarter" to include information for 2013.
- ◆ Update legal references.
- ◆ Remove information regarding the suspension on time-limited eligibility for able-bodied adults without dependents (ABAWDs). Policies for the three-month limit on ABAWDs are reinstated October 1, 2013.
- ◆ Clarify policies for handling deductions shared by an ineligible student and eligible members.
- ◆ Remove outdated three-year ABAWD periods.

Effective Date

October 1, 2013

Material Superseded

This material replaces the following pages from Employees' Manual, Title 7, Chapter I:

<u>Page</u>	<u>Date</u>
7	July 27, 2012
28	March 13, 2009
29, 35	July 27, 2012

Additional Information

Refer questions about this general letter to your area income maintenance administrator.

- ◆ Canadian-born American Indians who have treaty rights to cross the United States borders with Canada and Mexico. There is an extensive list of these tribes. Contact SPIRS Help Desk if you question whether a tribe is included.
- ◆ Iraqi and Afghan special immigrants. NOTE: Before December 19, 2009, eligibility for these special immigrants was time-limited. Contact SPIRS Help Desk if you need assistance determining eligibility for earlier months.

Establishing Qualifying Quarters

Legal Reference: 42 United States Code, Chapter 7, Subchapter II, § 413

When an alien’s eligibility depends on meeting the 40-quarter requirement, you must determine the number of quarters the person can be credited with. Each person can get up to four qualifying quarters of credit each calendar year based on the person’s earnings.

The following chart gives the amount a person had to earn to get one credit for the years 1978 and later. (Contact SPIRS help desk for assistance in calculating qualifying quarters for years before 1978.)

Amount Needed to Earn a Qualifying Quarter			
Year	Earnings Needed to Get 1 Credit	Year	Earnings Needed to Get 1 Credit
1978	\$250	1996	\$640
1979	\$260	1997	\$670
1980	\$290	1998	\$700
1981	\$310	1999	\$740
1982	\$340	2000	\$780
1983	\$370	2001	\$830
1984	\$390	2002	\$870
1985	\$410	2003	\$890
1986	\$440	2004	\$900
1987	\$460	2005	\$920
1988	\$470	2006	\$970
1989	\$500	2007	\$1,000
1990	\$520	2008	\$1,050
1991	\$540	2009	\$1,090
1992	\$570	2010	\$1,120
1993	\$590	2011	\$1,120
1994	\$620	2012	\$1,130
1995	\$630	2013	\$1,160

Some victims of trafficking may not yet have or may not be able to get a social security number for work purposes. Assist these people in obtaining non-work social security numbers. Do so by sending a letter to the Social Security Administration that:

- ◆ Is on letterhead.
- ◆ Includes the applicant's name.
- ◆ Mentions that this person is a trafficking victim.
- ◆ States the non-work reason that the number is required to receive benefits.
- ◆ States that the applicant meets the requirements to receive benefits except for the social security number.

Food Assistance rules require applicants for benefits who do not have social security numbers to apply for them. Assistance cannot be delayed, denied, or discontinued pending the issuance of the social security number.

If you encounter a person you believe may meet the definition of trafficking victim, go through your usual channels to obtain instructions on assisting the person in contacting HHS ORR for possible certification by that agency.

If a victim of trafficking gains an "eligible alien" status, use the new eligible alien status when redetermining eligibility for that person.

Able-Bodied Adults Without Dependents (ABAWDs)

Legal reference: 7 CFR 273.24

"ABAWDs" means "able-bodied adults without dependents."

"Able-bodied" means a person is both physically and mentally fit for employment.

"Dependent" means a child under age 18 who is or could be part of the person's Food Assistance household. The child does not have to be related to the person.

"Physically or mentally fit for employment" means the person does not have physical or mental barriers that prevent the person from obtaining or keeping employment.

To get Food Assistance benefits, an ABAWD must meet one of the requirements under [ABAWD Work Requirement](#). The ABAWD work requirements are in addition to the regular requirements set under 7-C, [Work Requirements for MWRs](#).

An ABAWD can get only three months of Food Assistance benefits while not meeting the ABAWD work requirement. (See [Time Limit for ABAWDs](#).) After using the three months, some ABAWDs can get an additional three months if they meet the conditions under [Additional Three-Months' Eligibility](#).

ABAWD Exemptions

A person is exempt from the ABAWD work requirements if the person is:

- ◆ Exempt from mandatory work registration (MWR) for any reason. See 7-C, [Exemptions From Work Registration](#), for a list of exemptions.
- ◆ Under age 18. This includes the month in which a person turns 18.
- ◆ Aged 50 or over. This includes the month in which a person turns 50.
- ◆ Pregnant. This applies to any trimester.
- ◆ Unfit either mentally or physically for employment (has a condition that makes the person unemployable or that prevents the person from keeping a job).
- ◆ A member of a Food Assistance household that includes a child under the age of 18.

NOTE: The child does not have to be eligible for Food Assistance for this exemption to apply. This can happen in situations like joint custody arrangements, a child foster care returning home for visits, a child attending school away from home returns during the month, or a child is hospitalized.

If an exemption applies for at least one day in a month, the ABAWD is exempt for the entire month.

Determine a person's "fitness" for employment using the prudent-person principle or any reasonable evidence that supports your decision. The person's condition does not need to be permanent for a determination of "unfitness" to be made.

Use any reasonable means to determine and verify the actual number of hours worked in a calendar month. Use caution if using pay stubs to verify hours of work, because pay periods often overlap calendar months and do not reflect the number of hours actually worked in the month in which the person received the pay.

Accept the word of a self-employed person as verification of how many hours are worked per month. Document the client's statement as to how many hours are worked per month in the case record.

Accept the statement of a person who provides an in-kind benefit in exchange for an ABAWD's services as verification.

Once you have verified the hours of work, it is not necessary to do so each month. Assume that an ABAWD is continuing to work 80 or more hours monthly unless the ABAWD reports that the hours of work have dropped below 80 or you have other information indicating the hours are less than 80.

Time Limit for ABAWDs

Legal reference: 441 IAC 65.28(18)

ABAWDs can get only three months of Food Assistance benefits while they are not meeting the work requirement. EXCEPTION: Some ABAWDs can receive an additional three months of eligibility while not fulfilling the work requirement. See [Additional Three-Months' Eligibility](#) for information.

All ABAWDs are eligible for the three-month limit during each three-year period, even if they used benefits under a previous period. This period is the same for all ABAWDs in Iowa. The periods are:

- ◆ December 1, 2011, through November 30, 2014
- ◆ December 1, 2014, through November 30, 2017

The three-month limit can be used either consecutively or nonconsecutively. A prorated month does not count towards an ABAWD's three-month limit, even when the Food Assistance benefits are prorated from the first day of the month.