

Mentally or Physically Unfit for Work Exemption

REVISION 42
(06/01/16 - 07/31/16)

Individuals who are physically or mentally unfit for work are exempt from the ABAWD time limit and work requirements. An individual is considered physically or mentally unfit for work if they have an illness, disability, condition or life circumstance, whether temporary or permanent that reduces or affects a person's ability to support themselves or to work.

This includes conditions or circumstances that impact or impede a person from working or impair functioning at work. The mental or physical challenges may affect the ability to work, maintain employment or restrict the range of employment opportunities.

Being unfit to work is a broader exemption than being disabled. A person does not need to be disabled to be unfit for work, although a disability will qualify the person as unfit. A person who is unfit for work may not be receiving a disability benefit and may not be disabled. The unfitness for work may be obvious or not obvious. Unfitness for work may be temporary or permanent.

When a temporary condition exists that could impact or impede functioning in employment, the individual is considered temporarily unfit for employment. These participants will be exempt until their next interview unless verification is received that specifies a different expected end date for the exemption reason.

When the unfitness is expected to be long-term or permanent, an individual will be exempt from the ABAWD work requirements and the ABAWD three month time limit.

Some examples of being unfit to work include the following:

- An individual may have cognitive, developmental or learning challenges that affect the ability to work, maintain employment or restrict the range of employment opportunities. This may include persons who have difficulty handling stress, persons with low mental functioning and persons who have difficulty following instructions or maintaining their attention.
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An individual may have a serious mental illness or another emotional challenge or condition that makes them unfit to work.

- An individual may have a temporary mental or physical illness, injury or incapacity. Examples may include the following:
 - A cast or a sling
 - Scheduled surgery
 - Recuperation from surgery that limits their work activities
- When the person cannot work 20 hours or more in a week.
- Receipt of temporary or permanent disability benefits from a governmental or private source.

The life circumstances of homelessness and domestic violence are covered in their own sections of the policy.

Other conditions and circumstances may qualify. If you have any questions, please contact your supervisor or manager. Management or their designated staff can elevate questions to the Policy Support Team.

Some reasons for being unfit to work will be obvious. The eligibility worker may determine that an individual meets the definition of obviously unfit for work. A determination of obviously unfit for work may be made when the individual attends a face-to-face or telephone interview.

Discussion of the individual's abilities to work or participate in work activities is required to make the determination of obviously unfit for work. The discussion should focus on the mental or physical challenges that affect or impact the ability to support the person or to work. When the reason for the unfitness is obvious, adequate documentation by the eligibility worker must support the determination.

Some reasons for being unfit for work will not be obvious. If the eligibility worker does not find the person has an obvious unfitness to work, the eligibility worker must explain how the person can provide documentation of their condition or circumstance. The eligibility worker shall give the person a Verification of Unfitness for Work for Adults form (FAA-1533) that may be filled out by qualified professionals, including social workers.

Disability or other physical or mental unfitness for work that is NOT obvious must be verified. When the reason for unfitness for work is not obvious, obtain a written statement that supports the extent and anticipated length of the unfitness for work from a medically qualified source(g).

Qualified sources include physicians, physician's assistants, nurses, and nurse practitioners, designated representatives of a physician's office, licensed or certified psychologists, social workers, or other medical personnel.

A person may provide verification of unfitness from several sources that include, but are not limited to, the following:

- Proof of receipt of temporary or permanent disability benefits from governmental or private sources, including, but not limited to the receipt of:
 - VA disability benefits
 - Worker's Compensation
 - SSI (or pending application for SSI)
 - State-issued temporary or permanent disability benefits
- Participation in a Vocational Rehabilitation program
- Completed Verification of Disability (FAA-1249A) form
- Completion of the Verification of Unfitness for Work for Adults (FAA-1533) form by a medically qualified source.

Reminder: A person who is unfit for work may not be receiving a disability benefit, and may not be disabled. The reason for unfitness may be obvious or not obvious.

Document CADO and the case file(g) with the reason verification of the claimed reason for unfitness was requested.

Key DI in the WERE EXPT RSN FS field.

Participants who have a condition or circumstance that makes them unfit for work must be allowed 10 days to provide verification when it is not available at the interview and when the reason for unfitness is not obvious. Complete the following when verification of the unfitness has been requested:

- For regular households, do NOT key WERE or WORW with the DI exemption until verification is received. Leave the field as populated by AZTECS.
- For NAX households, do NOT key WERE or WORW with the DI exemption until verification is received. When there is no other appropriate exemption reason, key NE on WERE and RA on WORW. When verification of disability is provided, key DI on WERE and WORW.
- Upon receipt of verification and changing WERE/WORW, review CODF to ensure the months are counted correctly.
- When the initial month was prorated, it should display as not countable on CODF. No changes are needed.
- Review any additional months displayed on CODF. For months which were counted and should not be counted due to a verified exemption, change the X to an O.