

SANCTIONS FOR FAILURE TO COMPLY

6.15

Due to the American Recovery and Reinvestment Act (ARRA) and the statewide ABAWD waiver approval from the Food and Nutrition Service (FNS), from January 1, 2009 through September 30, 2012 there are no FSET Employment and Training sanctions. However, any sanction imposed due to a non-compliance which occurred prior to January 1, 2009, must be served before eligibility under the waiver can be assessed. The waiver of sanctions does NOT include sanctions imposed due to non-compliance with Food Support eligibility criteria. For more information on the statewide ABAWD waiver, see [§6.6](#) (Able-Bodied Adults Without Dependents (ABAWDS)).

For information on whether or not to sanction clients, see [§6.12](#) (Failure to Comply With FSET Requirements), [§6.9.3](#) (Who Is Exempt From FSET). For information on sanctions for refusing or quitting suitable employment, see [§6.15.6](#) (Refusing or Terminating Employment), [§7.6](#) (Suitable/Unsuitable Employment).

The following sanction provisions apply to non-Public Assistance mandatory FSET participants who fail to participate, comply, accept employment, or voluntarily quit suitable employment while participating in FSET. When a mandatory participant fails, without good cause, to comply with these requirements, the county agency must determine if it must sanction the participant or the entire Food Support (FS) unit.

- If the participant is the Principal Wage Earner (PWE), the county agency will sanction the ENTIRE UNIT. **NOTE:** During a sanction the unit cannot designate someone else as the PWE simply to avoid the sanction.
- If the participant is NOT the PWE, the county agency will sanction ONLY the PARTICIPANT.

The county agency determines the Principal Wage Earner (PWE) at the time of application, recertification, and when unit composition changes.

If there is more than 1 adult, the county agency will give the adults in the unit the option to designate which adult is the PWE.

- For units with NO CHILDREN in the unit who do NOT designate which adult is the PWE: The PWE is the unit member with the most earned income in the 2 months before the date of application, voluntary quit, or work registration non-compliance.

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- For units that include an adult parent(s) with children in the home OR an adult unit member(s) with parental control over children in the home who do NOT designate which adult is the PWE: The county will designate the PWE.
 - If you cannot determine who to designate as the PWE based on the information above, the primary contact person is the PWE.

As a result of the sanction, the participant's or household's Food Support benefits will be terminated starting on the date specified in the county agency's 10-day notice to the participant.

Apply the length of the sanction for each occurrence as follows:

- **FOR THE 1ST OCCURRENCE:** Loss of FS for 1 month or until compliance, whichever is longer.
- **FOR THE 2ND OCCURRENCE:** Loss of FS for 3 months or until compliance, whichever is longer.
- **FOR THE 3RD AND ANY SUBSEQUENT OCCURRENCE:** Loss of FS for 6 months or until compliance, whichever is longer.

Apply the sanction policy until the client does 1 of the following:

- Serves the minimum sanction period, requests resumption of benefits, and complies with the requirement(s).
- Leaves the unit's home.
 - If a unit member who failed to comply joins another unit as that unit's PWE, the entire new unit is ineligible for the remainder of the sanction period.
 - If a unit member who failed to comply joins another unit where that person is NOT the PWE, ONLY that person is ineligible for the remainder of the sanction period.
 - If a unit is disqualified because the PWE failed to comply and a new person who is not under FSET sanction joins the unit as the PWE, the county agency will end the sanction for the other unit members. The county will require a new application and prorate benefits from that date.

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- Becomes exempt from work registration or FSET participation. However, the sanction will not end for this reason until the minimum sanction period has been served.

Applicants for Food Support who have been in FSET sanction status continuously for at least 1 year do not have to comply with the previous requirements that caused the sanction.

After continuously being in FSET sanction status for at least 1 year, a participant who meets all other eligibility conditions qualifies for reinstatement of benefits by reapplying for Food Support.

