

04 Work Requirement Disqualifications



The subject of the section is about the reduction of NA and CA benefits because a participant voluntarily quits a job, reduces work hours, or refuses a job offer without a good cause reason.

Policy

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Quitting a Job, Reducing Work Hours, and Refusing a Job Offer

Unless a participant is exempt from the work requirements or has a good cause reason, **all** of the following voluntary actions may cause a benefit reduction:

- Quitting a Job when **all** of the following apply:
 - When a participant is employed at least 20 hours per week.
 - When a participant's earned income is equal to the [federal minimum wage\(g\)](#) multiplied by 20 hours per week.
 - Refusing a Job Offer when **all** of the following apply:
 - When a job offer is for at least 20 hours per week.
 - When the job offer includes income equal to the federal minimum wage multiplied by 20 hours per week.
 - Reducing work hours when **all** of the following apply:
 - When a participant is employed at least 30 hours per week
 - When a participant voluntarily reduces work hours to less than 30 hours per week.
- NOTE Reduced work hours do not apply when work hours are reduced to less than 30 hours a week and weekly earnings continue to exceed the federal minimum wage multiplied by 30 hours.
- Participation in a strike against a local, state, or federal government employer.

NOTE For this policy, work requirement exemptions do not apply to strikers. See [Striker Eligibility](#) to determine how participation in a strike may affect benefits.

See [NA Work Requirement Exemptions](#) or [CA Jobs Exemptions](#) for work requirement exemption reasons.

FAA reduces or stops benefits when a participant quits a job, reduces work hours, or refuses a job offer without a good cause reason during **any** of the following time frames:

- Within the 30 [calendar days](#) before the date of the application for benefits.
- Any time between the application date and before the eligibility determination is completed.
- Any time during a benefit approval period.

FAA considers good cause reasons for noncompliance before reducing or stopping benefits for quitting a job, reducing work hours, or refusing a job offer. When a participant has a good cause reason, FAA does not impose a reduction of benefits. See [Good Cause Reasons](#) for a list of possible good cause reasons.

FAA is required to reduce benefits when an NA or CA participant voluntarily quits, reduces work hours, or refuses a job offer without good cause. **One** of the following applies:

- For NA, when the participant is the NA lead participant, NA benefits stop for the budgetary unit. See [NA Lead Participant Selection](#) for how the lead participant is selected.
- For NA, when the participant is not the NA lead participant, benefits stop for that participant.
- For CA, benefits stop for the budgetary unit when the participant is the [Primary Informant\(g\)](#) or the TPEP [Primary Wage Earner\(g\)](#).

For CA, the budgetary unit is subject to benefit reductions when the participant is not the Primary Informant (PI) or the TPEP Primary Wage Earner (PWE). (See [VQ PRA Sanction](#) and [CA PRA Graduated Sanctions](#) for more information about how graduated sanctions consist of two levels of CA benefit reductions and can cause benefits to stop.)

Exceptions for Voluntarily Quitting, Reducing Work Hours, and Refusing a Job Offer

Exceptions to quitting, reducing hours, or refusing a job offer causing a benefit reduction include **both** of the following:

- The NA participant currently is or was exempt from NA work registration at the time of quitting a job, reducing work hours, or refusing a job offer.
- The CA participant currently is or was exempt from Jobs participation at the time of quitting a job, reducing work hours, or refusing a job offer.

NOTE Participants need to have met a work requirement exemption and CA Jobs participation exemption other than employed for these exceptions to be applicable.

FAA does not reduce benefits under **any** of the following circumstances:

- Reduction of work hours by the employer.
- Terminating a self-employment enterprise.
- Resigning from a job or reducing work hours at the demand of the employer.
- For NA, the participant reduces work hours to less than 30 hours a week and continues to earn weekly wages that exceed the federal minimum wage multiplied by 30 hours.
- The participant who voluntarily quits or reduces work hours accepts other employment of comparable hours or salary.

NOTE Do not consider a job incomparable simply because the number of hours or the salary of the new job is lower than the job that is quit. A participant can quit a job for one that might offer more opportunity

Refusing a job offer does not apply to a TPEP Primary Wage Earner when they have declined an offer of employment or training within 30 calendar days before the period for which TPEP benefits are to be paid because TPEP requires participation before benefits are issued.

Good Cause Reasons

NA and CA good cause reasons apply to **all** of the following voluntary actions:

- Quitting a job
- Reducing work hours
- Refusing a job offer

FAA applies good cause reasons toward NA disqualifications for **both** of the following policies:

- UI Disqualification
- Able-bodied Adults Without Dependents (ABAWD)

Good cause reasons are based on circumstances beyond the participant's control and are determined on a case-by-case basis. Good cause reasons include, and are not limited to, **all** of the following:

- Illness or incapacity of another person that requires the presence of the participant.
- Distance to the job was unreasonable due to **one** of the following:

No public or private transportation, and the distance to the job is too far to walk.

Commuting time exceeds two hours, not including time to take a child to a child care facility.

- Unanticipated emergencies, such as **one** of the following:
 - A court-ordered appearance or incarceration that stops a participant from reporting for work.
 - Severe weather stops the participant and other people from going to work.
- Lack of adequate child care when the participant is responsible for the care of a child who is **one** of the following:
 - For NA, age six through 11
 - For CA, under the age of 12
- Inability to write or speak a language necessary for employment.
- Employer discrimination based on **any** of the following:
 - Age
 - Race
 - Sex (including gender identity and sexual orientation)
 - Color
 - Handicap
 - Religious beliefs
 - National origin
 - Political beliefs
- Work demands or conditions that render continued employment unreasonable, such as, and not limited to, working without being paid on schedule.
- Resignation by a participant under age 60 who is recognized by the employer as retired.
- Quitting a job to accept new employment of similar hours and salary. Through no fault of the participant, **one** of the following occurs with the new job:
 - It fails to materialize.
 - Results in a layoff.
 - Employment of fewer than 20 hours per week.
 - Weekly earnings are less than the federal minimum wage multiplied by 20 hours per week.
- Leaving a job in connection with employment patterns in which workers frequently move from one employer to another. Examples include migrant farm labor or construction work.
- Unsuitable employment. Employment may be suitable when a participant accepts a job and becomes unsuitable later. This can occur for **any** of the following conditions:

When the employment is subject to the federal minimum wage laws, weekly earnings or training wages have to be less than the federal minimum wage multiplied by 20 hours per week.

When employment is not subject to federal minimum wage laws, weekly wages have to be less than 80% of the federal minimum wage multiplied by 20 hours per week.

- A job offer includes **one** of the following:

The job pays on a piece-rate basis.

The average weekly income the employee can reasonably be expected to earn is less than 80% of 20 hours per week at the federal minimum wage.

- The employee is required to join, not join, or quit a labor organization, as a condition of employment.
- The job location of the job offered is subject to strike or lockout unless the strike is prohibited under **one** of the following:

The Taft-Hartley Act (Section 208 of the Labor Management Relations Act (29 U.S.C. 178).

An injunction issued under Section 10 of the Railway Labor Act (45 U.S.C. 160).

NOTE A striker who belongs to a union may not refuse work just because the job offered is non-union.

- When the participant can demonstrate, or FAA can determine, that **any** of the following is true:

The participant is physically or mentally incapable of performing the assigned tasks of the job. Documented medical evidence or reliable verification from other sources is required.

The degree of risk to health and safety is unreasonable.

The work hours or type of job interferes with the participant's religious convictions, beliefs, or practices.

For NA, in addition to the reasons previously listed, good cause reasons also include **both** of the following:

- A job is offered in the first 30 calendar days of work registration that is not in the participant's field of experience.

NOTE After the first 30 calendar days of registration, the participant may be required to accept a job outside the field of experience.

- The NA participant was required to leave a job due to **one** of the following:

Accepts other employment of comparable hours or salary.

Enrolls at least half-time in any recognized school, training program, or institution of higher education.

- An NA participant leaves a job because of another budgetary unit participant in **any** of the following situations:

Accepts employment in another city or county that requires the budgetary unit to move.

Enrolls at least half-time in any recognized school, training program, or institution of higher education in another city or county that requires the budgetary unit to move.

Disqualifications, or Benefit Reduction Time Frames

A benefit reduction or a disqualification includes **one** of the following periods:

- First violation.....One month
- Second violation.....Three months
- Every additional violation.....Six months

The length of a disqualification period depends on the number of disqualifications a participant has received for quitting a job, reducing work hours, or refusing a job offer without a good cause reason.

To determine the month a disqualification ends, FAA reviews **all** of the following information:

- The number of months the participant did not receive benefits.
- The number of months of an overpayment based on for quitting a job, reducing hours, or refusing a job offer.

NOTE FAA treats overpayment months as months a budgetary unit did not receive benefits to determine disqualification months.

The participant's benefit disqualification ends when the total of months equals the length of the disqualification period.

When FAA discovers a disqualification occurred within 30 calendar days of the date of a new NA application and before an eligibility determination. FAA takes **all** of the following actions:

- For NA:
The application is denied when the disqualified participant is the NA lead participant.

NOTE For a disqualification of one month, the PI does not need to complete another application or interview. The same application and interview can be used for benefits. When the disqualification is for more than one month, a new application is required.

When the participant is not the NA lead participant, the participant is disqualified for the appropriate number of months.

NOTE When the disqualification period ends, FAA adds the participant to the NA benefit amount.

- For CA:

An application is denied when the disqualified participant is the PI or the TPEP Primary Wage Earner (PWE).

NOTE The PI is required to turn in another application and complete an interview. The budgetary unit is not eligible until the disqualification period ends.

When the participant is not the PI or the TPEP PWE, FAA imposes an appropriate graduated sanction of 50% or 100%. See [CA sanctions](#) for complete information about graduated sanctions.

When FAA discovers after approval of benefits that a participant has quit a job, reduced work hours, or refused a job offer without a good cause reason within 30 calendar days of the date of a new application. **Both** of the following disqualification periods are applicable:

- For NA, FAA imposes a disqualification for the following month, reducing or stopping benefits.
- For CA, FAA imposes a graduated sanction the first month possible, allowing for [Notice of Adverse Action\(g\)](#).

A voluntary quit, reduction in work hours, or refusal of a job offer occurring in the last month of the approval period is too late to allow for Notice of Adverse Action (NOAA). When this happens, FAA completes **all** of the following:

- For NA, when the participant reapplies, the disqualification begins on the first day after the current approval period ends.
- For CA, when the participant does not reapply, FAA determines the month the disqualification would have been effective, allowing for NOAA.

When the decision is upheld in an appeal, the disqualification period begins the first applicable month after the hearing decision is rendered. (See [Right to an Appeal Hearing](#) for information about the appeal rights of a participant.)

NA Reinstatement During Disqualification

The NA budgetary unit or the participant may attempt to reestablish eligibility at any time, following notification of disqualification and during the disqualification period.

The budgetary unit may reestablish eligibility when **any** of the following occurs:

- The noncompliant NA lead participant moves out of the budgetary unit.
- The noncompliant NA lead participant becomes exempt from NA Work Requirements. (See [NA Work Requirement Exemptions](#) for all applicable exemptions)
- The budgetary unit applies for benefits with a new participant who is eligible to be the NA lead participant. The disqualified participant continues to be ineligible for the balance of the disqualification period.
- The NA nonlead participant may reestablish eligibility when the budgetary unit

reports a change that exempts the participant from the NA Work Requirements.

A disqualification follows a participant who moves to another budgetary unit. The disqualification only affects the disqualified participant when the disqualified participant does not become the NA lead participant.

The participant may become the NA lead participant of the new budgetary unit. When this occurs, the new budgetary unit is disqualified from receiving NA benefits for the remainder of the disqualification period.

With imposing a disqualification, there is no overpayment when FAA does not start the disqualification period on time.

NA Reinstatement After Disqualification

Following the disqualification period of more than one month, an NA budgetary unit has to reapply and be determined eligible.

NOTE For disqualification periods of one month, FAA uses the same application.

For participant disqualifications, FAA redetermines the participant's eligibility. When this occurs, **all** of the following apply:

- The participant is added to the budgetary unit when otherwise eligible.
- The participant's work requirements status is updated.
- The participant is screened for a Supplemental Nutrition Assistance Program Career Advancement Network (SNAP CAN) referral, when possible.

For CA, when the participant reapplies in a sanctioned month, FAA prorates benefits to the first day of the month following the sanction period. See [CA Sanctions](#) and [Reapplication After CA Sanction](#) for more information about ending graduated sanctions.

Procedures

The participant's work requirements status on WORW indicates whether Jobs, Tribal NEW, or FAA is responsible for determining a good cause reason. Complete **all** of the following:

- When the ACTS Alert JB/Client Failed to Comply is received, Job staff has determined the participant does not have a good cause reason, FAA imposes the sanction allowing for Notice of Adverse Action.
- For the TPEP Primary Wage Earner, a Jobs Basic or Tribal NEW participant, FAA is advised by ACTS to start withholding benefits. FAA makes the changes on AFD required to withhold benefits.

When a report is received that a participant quit a job, refused a job offer, or reduced work hours, determine **all** of the following:

- Is the participant the NA lead participant, CA PI, or the TPEP Primary Wage Earner (PWE).
- The date the participant quit a job, refused a job offer, or reduced hours?
- The number of hours the participant worked before reducing hours.

- The amount of the weekly salary before reducing hours.
- Whether there was a good cause, see [Good Cause Reasons](#) for details about what is, and is not limited to, a good cause reason.

The actions to disqualify a participant by denying an application or reducing or stopping benefits depend on **both** of the following factors:

Whether the participant has a pending application or currently receiving benefits.

Whether the participant is or was the NA lead participant, the CA PI, or the TPEP PWE.

(See [Example 1](#) and [Example 2](#).)

When a NA or CA participant voluntarily quits a job, reduces their work hours, or refuses a job offer during an applicable time frame, determine whether the participant has a good cause reason.

- When the participant provides a good cause reason or information in the [case file\(g\)](#) indicates the participant meets a work requirement exemption, complete **both** of the following:

Document the case file

Update the participant's Work Registration status.

- When the participant does not meet another work requirement exemption and does not have a good cause reason, impose a disqualification for the appropriate period.

NOTE Complete the Potential Overpayment (OP) Referral (FAA-0526A) for any month for which benefits were overpaid.

Review the case file and VOQS, PRAP, and DISA for information about previous disqualifications to determine the correct disqualification period.

The disqualification periods are **each** of the following:

- First violation.....One month
- Second violation.....Three months
- Every additional violation.....Six months

To impose a disqualification for quitting a job, reducing work hours, or refusing a job offer without a good cause reason, review the case file to determine the NA lead participant or the CA PI or TPEP PWE and complete **any** of the following actions:

- Deny the NA application or stop benefits when the participant is the NA lead participant.
- Deny the CA application or stop benefits when the participant is **one** of the following:

The CA PI

the TPEP Primary Wage Earner.

Allow for [NOAA\(g\)](#) before reducing or stopping benefits.

Send the appropriate disqualification notice to inform the PI of **all** of the following:

- Case denial closure.
- Reason for the denial closure.
- The minimum length of the disqualification period.
- Their right to request an appeal.
- They may reapply when the disqualification period ends.

See [NA Reinstatement During Disqualification](#) for the eligibility requirements to end a disqualification, and complete **all** of the following, as appropriate for the reinstatement reason:

- Add or remove the disqualified participant for the first month possible.
- Redetermine and authorize benefits when the budgetary unit is otherwise eligible.
- Update and document PRAP and DISA.
- Send the appropriate notice.
- Document the case file with the reason for the reinstatement during the disqualification.

Verification

Verification of a good cause reason for quitting a job, reducing work hours, or refusing a job offer is only required when the information received from the participant is questionable. Document the [case file\(g\)](#) with the participant statement verification.

The job quit may result from circumstances that cannot be verified. See [Example 3](#).

The [Primary Informant\(g\)](#) is responsible for providing the verification. FAA offers assistance when it is difficult for the PI to obtain written verification.

Sources of verification include, and are not limited to, **any** of the following:

- The previous employer
- Employee associations
- Union representatives
- Grievance committees or organizations
- FAA can use a collateral contact when written verification cannot be obtained
- Participant's statement when not questionable

AZTECS Procedures

When a NA or CA participant voluntarily quits a job, reduces work hours, or refuses a job offer, and the participant has a good cause reason, complete **all** of the following on VOQS:

- Key the date next to the participant's name in the VOL QUIT DATE FIELD,
- Key Y in the GD CAUSE CODE Y/N field.
- Key the appropriate Verification Code in the VR field.
- Key Y in the PWE Y/N field when the participant is the NA lead participant, and the CA Primary Informant (PI) or TPEP Primary Wage Earner (PWE) when they are the same participant.

Update the participant's Work Registration Code for the correct program on WORW, as needed. When information in the case file indicates the participant meets another work requirement exemption, complete **both** of the following:

- Key the appropriate Work Requirement Exemption Reason Code in the PAR/EXEM field on WORW.
- Document the case file.

When eligibility is reestablished, stop the balance of a disqualification period when the budgetary unit is otherwise eligible. See [NA Reinstatement During Disqualification](#) for the eligibility to end a disqualification, and complete **one** of the following, as appropriate for the reinstatement reason:

- For the disqualified participant, change the SEPA participation to IN for the first month possible.
- Remove the disqualified participant from the case for the first month possible. See [Removing a Participant](#) – Overview for policy and procedures on removing participants.

When imposing a disqualification, complete **both** of the following:

- Key the disqualification information on the participant's PRAP and DISA screens.
- Document the case file with all actions that are taken on DISA.

Complete **all** of the following when a disqualification is imposed for the NA lead participant, CA PI, or the CA PWE:

- Key the VQ Disqualification Code on PRAP in the appropriate PROGRAM ALERT TYPE field.
- Key Y in the FS or AF column, whichever is appropriate to access DISA.
- Key **all** of the following in the DOC field on DISA:
 - The start date of the disqualification.
 - The length of the disqualification.
 - The reason for the disqualification.
- Key the QJ Denial Closure Reason Code on AFED or FSED.
- Send the Denial Closure – Quit Job/Reduced HRS (C205) notice.

See [CA Initial Month Special Rules - Not Eligible Determination Month/Eligible Following Month](#) for when a budgetary unit is eligible for CA in the month after disqualification.

When an NA application is turned in during the final month of the disqualification period, complete **all** of the following:

- Use the application for denial of benefits in the remaining month of disqualification.
- Use the same application for approval in subsequent months when all other eligibility factors are met.
- Send the Approve Elig Month-Deny Inelig Month (F124) notice.

NOTE The application must be within the 60 calendar days when a NA application can be used.

See [NA First Month's Eligibility](#). For completing a determination, the budgetary unit is ineligible for the first month and eligible for the second.

For NA, when imposing a disqualification for a nonlead participant, complete **all** of the following to disqualify the participant:

- Key the DE Participation Code in the FS PT field next to the participant's name on SEPA.
- Key the QJ Denial Closure Reason Code on SEPA in the FS INELIG RSN field.
- Key Y in the appropriate program column in the DISA WKSN AF/FS/MA field on PRAP and press ENTER to access DISA.
- Key Y in the CONTINUE NEXT SCREEN field, and press ENTER. DISA (PAGE 2) displays.
- Key **all** of the following on DISA (PAGE 2):
 - The number (01, 02, 03) of the disqualification in the VQ NBR field.
 - The first month of the disqualification period in the VQ START DT field.
 - The number of months (1, 3, 6) in the DISQ PERIOD (IN MONTHS) field.
 - Thoroughly document the reason for the action in the documentation section.
 - Press ENTER to access PRAP. Key VQ on PRAP next to the participant's name.
- Set the 30-day NL ACTS alert to add the participant to the benefit at the end of the disqualification period. Extend the due date as needed based on the duration of the disqualification.
- For an NA nonlead participant, send the C726 notice.

For CA, when the participant who voluntarily quits, reduces work hours, or refuses a job offer is not the PI, the budgetary unit is sanctioned.

The effective date of the sanction is the first possible month allowing for [NOAA\(g\)](#).

The NOAA must include **all** of the following:

- The action that caused the sanction.
- The length of the sanction period.
- The steps that the participant may take to avoid sanctions.

See [CA Sanctions](#) for procedures on imposing graduated sanctions, ending sanctions, and reapplication after sanctions.

Send the Nonprimary Wage Earner Quit Job/Redu HRS (C726) notice to inform the PI of the disqualification period

When the budgetary unit serves the minimum one-month 50 % sanction, restore the benefits to the 100% level.

The budgetary unit can reapply at the end of a 100% sanction.

When the disqualification period ends, **all** of the following apply:

- When adding a participant back to the budgetary unit, send the appropriate notice informing the PI of increased benefits.
- Update WORW with the proper Work Registration Code.

Examples

- 1) Harry turned in a new application for NA on 08/15/20. Harry is the NA lead participant. Harry voluntarily reduced his work hours from 37 to 25 hours a week on 07/30/20 without good cause.

Deny the application for the month of 08/2020 and send the C205 notice advising Harry of the disqualification.

- 2) Jennifer, the NA lead participant, quit her job without good cause on 06/03/20 while receiving NA benefits (the approval period is 03/10/20 through 09/30/20).

On 06/05/20, Jennifer's NA benefits are stopped effective 07/01/20 after sending [NOAA\(g\)](#).

Jennifer may reapply when the disqualification period has ended.

- 3) The participant quit a job claiming the working conditions were unsafe. All attempts to contact the employer or other employees have failed. Accept the participant's statement (with Supervisor approval) as verification. Thoroughly document the case file with good cause circumstances.

Legal References

7CFR 273.7(f)(7)

[Prior Policy](#)

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