

From: [Laura Howard \[Secretary DCF/KDADS\]](#)
To: [Wright, Ryan \[GO\]](#)
Subject: FW: Confidential Attorney Client Communication/Attorney Work Product
Date: Friday, May 13, 2022 4:10:11 PM
Attachments: [Draft ABAWD AG MEMO.docx](#)

This is the draft memo that would have been a final letter to the AG before the decision to rescind the policy [REDACTED].

From: Corliss Scroggins Lawson [DCF] <[REDACTED]>
Sent: Thursday, June 27, 2019 10:12 PM
To: Britton, Clay [GO] <[REDACTED]>
Cc: Laura Howard [Secretary DCF/KDADS] <[REDACTED]> Sheedy, Cory [GO]
[REDACTED]
Subject: Confidential Attorney Client Communication/Attorney Work Product

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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From: [Laura Howard \[Secretary DCF/KDADS\]](#)
To: [Lawrence, Will \[GO\]](#)
Cc: [Wright, Ryan \[GO\]](#); [Davis, Kate \[GO\]](#)
Subject: RE: Confidential Attorney Client Communication/Attorney Work Product
Date: Monday, May 16, 2022 2:49:56 PM
Attachments: [Memo SNAP exemption.pdf](#)
[SNAP - ABAWD Discretionary Exemptions - Totals for FY 2020.pdf](#)

Attached is a letter as requested confirming that no benefits were paid out during the time period the ABAWDS exemption policy was considered.

From: Wright, Ryan [GO] [REDACTED]
Sent: Monday, May 16, 2022 10:00 AM
To: Laura Howard [Secretary DCF/KDADS] [REDACTED]
Subject: RE: Confidential Attorney Client Communication/Attorney Work Product

Laura:

Can you please draft a brief letter to Will confirming that no benefits were paid out under this policy before it was withdrawn? Also, can you send this to us today?

Thanks,

Ryan

From: Laura Howard [Secretary DCF/KDADS] [REDACTED]
Sent: Friday, May 13, 2022 4:09 PM
To: Wright, Ryan [GO] [REDACTED]
Subject: FW: Confidential Attorney Client Communication/Attorney Work Product


This is the draft memo that would have been a final letter to the AG before the decision to rescind the policy [REDACTED].

From: Corliss Scroggins Lawson [DCF] [REDACTED]
Sent: Thursday, June 27, 2019 10:12 PM
To: Britton, Clay [GO] [REDACTED]
Cc: Laura Howard [Secretary DCF/KDADS] [REDACTED]; Sheedy, Cory [GO]
[REDACTED]
Subject: Confidential Attorney Client Communication/Attorney Work Product

[REDACTED]

[REDACTED]

[REDACTED]



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Office of the Secretary
555 S. Kansas Ave., 6th Floor
Topeka, KS 66603



Phone: (785) 296-3271
Fax: (785) 296-4985
www.dcf.ks.gov

Laura Howard, Secretary

Laura Kelly, Governor

May 16, 2022

To: Will Lawrence, Chief of Staff to Governor Laura Kelly
From: Secretary Laura Howard (DCF/KDADS)
RE: SNAP Exemptions

Dear Mr. Lawrence,

The Kansas Department for Children and Families Economic and Employment Services (EES) division has verified no exemptions to extend months of benefits for able bodied adults without dependents (ABAWDS) were claimed for the USDA Supplemental Nutrition Program (SNAP) in federal fiscal years 2019 and 2020.

Discretionary use of exemptions allowing additional months of benefits for ABAWDS is allowable under federal regulations 7 C.F.R. § 273.24(g). Due to the uncertainty of the Kansas Legislature's intent in state law, a memo was issued to staff on July 11, 2019 stating the discretionary exemptions would not be used. The memo reversed an earlier memo that would have allowed for limited usage of exemptions. The USDA SNAP ABAWD Exemption usage reports confirm Kansas did not utilize exemptions and no individuals received any added benefit. [SNAP - ABAWD Discretionary Exemptions - Totals for FY 2021 \(azureedge.us\)](https://azureedge.us). Attached is the report for FY 2020.

Sincerely,

A handwritten signature in cursive script that reads "Laura Howard".

Laura Howard
Secretary



Food and Nutrition
Service

1320 Braddock Place
Alexandria, VA
22314

Date: May 11, 2020

SUBJECT: Supplemental Nutrition Assistance Program – Able-Bodied Adults
Without Dependents Percentage Exemption Totals for Fiscal Year
2020

TO: All State Agency Directors
Supplemental Nutrition Assistance Program (SNAP)

Section 6(o) of the Food and Nutrition Act of 2008 (the Act) limits the amount of time an able-bodied adult without dependents (ABAWD) can receive Supplemental Nutrition Assistance Program (SNAP) benefits to 3 months in any 36-month period, unless the individual meets the ABAWD work requirement or is otherwise exempt.

The Act also provides each State agency with an annual allocation of exemptions from the time limit for ABAWDs, calculated based on a percentage of the ABAWDs subject to the time limit in the State. Each fiscal year (FY), the Food and Nutrition Service (FNS) estimates the number of exemptions that each State must be allotted and adjusts the total number of exemptions available to each State. For FY 2020, States have been allotted an amount based on 12 percent of the ABAWD population.

In addition to change in the number of discretionary exemptions allotted to each State, the final rule, *Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents*, which was published in December 2019 limits the “carryover” of States’ unused ABAWD discretionary exemptions as described in 7 CFR 273.24(h). The new rule will allow States to carryover a portion of unused exemptions, but the carryover amount will not exceed 12 percent of the covered individuals in the State estimated by FNS for the preceding fiscal year. This change will take effect on October 1, 2020, the start of Federal fiscal year (FY) 2021.

This memorandum adjusts the total number of exemptions available to each State for FY 2020, as shown in the table on the next page. Please note that the totals do not account for any exemption usage in FY 2020 (those figures must be reported in final by States on the Form FNS-583, due 45-days after the end of the FY.)

FNS reminds States that for Quality Control purposes exemptions must be documented in the case file prior to monthly sample selection.

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State agencies should contact their respective FNS Regional Offices with any questions. FNS Regional Offices should contact Arpan Dasgupta or Melanie Meisenheimer with any questions.

Arpan Dasgupta
Chief
Certification Policy Branch
Program Development Division

Enclosure

Enclosure

Table 1: ABAWD Percentage Exemption Totals for FY 2020

State	Total Available for FY 2020	New Earned for FY 2020	Used in FY 2019	Total Available in FY 2019
Alabama	241,161	35,568	0	205,593
Alaska	9,466	0	0	9,466
Arizona	136,869	17,892	218	119,195
Arkansas	122,791	15,024	2,372	110,139
California	860,715	6,768	12,947	866,894
Colorado	34,797	10,188	17,261	41,870
Connecticut	47,685	8,580	14	39,119
Delaware	73,442	3,864	0	69,578
District of Columbia	0	0	0	0
Florida	610,668	115,452	1,950	497,166
Georgia	14,179	10,380	108,260	112,059
Guam	3,472	0	0	3,472
Hawaii	75,465	9,084	1,862	68,243
Idaho	50,384	5,064	0	45,320
Illinois	65,208	6,840	0	58,368
Indiana	217,662	21,792	3	195,873
Iowa	125,795	9,672	8	116,131
Kansas	64,666	5,676	0	58,990
Kentucky	112,126	28,668	10	83,468
Louisiana	12,820	0	0	12,820
Maine	58,100	8,856	3,460	52,704

State	Total Available for FY 2020	New Earned for FY 2020	Used in FY 2019	Total Available in FY 2019
Maryland	50,254	10,872	0	39,382
Massachusetts	101,110	21,324	2,467	82,253
Michigan	512,421	21,660	10,620	501,381
Minnesota	83,530	12,420	79,099 ¹	150,209
Mississippi	169,550	22,020	1,706	149,236
Missouri	196,824	38,124	0	158,700
Montana	45,357	3,312	74	42,119
Nebraska	66,802	5,460	3972	65,314
Nevada	60,086	2,496	1776	59,366
New Hampshire	8,515	1,164	462	7,813
New Jersey	114,845	6,840	2,517	110,522
New Mexico ²	-1,868	0	0	-1,868
New York	137,797	44,784	92,121 ³	185,134
North Carolina	237,410	54,276 ⁴	19,681	190,359
North Dakota	18,650	1,980	1,178	17,848
Ohio	357,782	29,076	0	328,706
Oklahoma	363,134	25,632	1,432	338,934
Oregon	136,331	30,876	35,240	140,695
Pennsylvania	162,867	7,416	4,825	160,276

¹ Minnesota's exemption usage in FY 2019 has been adjusted to include an additional 11,812 exemptions that were used in FY 2018 and an additional 2,748 exemptions that were used in FY 2016.

² New Mexico overused 15 percent exemptions in the first and second quarters of FY 2009. The State has had waivers since that time and therefore has not earned any exemptions since that time. The State cannot use 15 percent exemptions until its negative balance is eliminated.

³ New York's exemption usage in FY 2019 has been adjusted to include an additional 5,260 exemptions that were used in FY 2018 and an additional 20,596 exemptions that were used in FY 2017.

⁴ North Carolina's exemptions earned in FY 2020 have been adjusted to reflect newly available caseload data.

State	Total Available for FY 2020	New Earned for FY 2020	Used in FY 2019	Total Available in FY 2019
Rhode Island	8,990	1,080 ⁵	260	8,170 ⁶
South Carolina	100,423	18,384	374	82,413
South Dakota	10,760	1,500	1,343	10,603
Tennessee	191,383	52,932	815	139,266
Texas	2,138,329	123,876	11,722	2,026,175
Utah	39,014	4,188	993	35,819
Vermont	23,021	3,960	25	19,086
Virgin Islands	3,948	0	0	3,948
Virginia	337,564	25,644	67,006 ⁷	378,926
Washington	44,390	10,476	200	34,114
West Virginia	143,209	9,420	2,250	136,039
Wisconsin	146,186	19,800	1,866	128,252
Wyoming	35,466	1,452	0	34,014

⁵ Rhode Island's exemptions earned in FY 2020 have been adjusted to reflect newly available caseload data.

⁶ Rhode Island's exemptions earned in FY 2019 have been adjusted to reflect newly available caseload data.

⁷ Virginia's exemption usage in FY 2019 has been adjusted to include an additional 30,502 exemptions that were used in FY 2018.

From: [Lawrence, Will \[GO\]](#)
To: [Laura Howard \[Secretary DCF/KDADS\]](#)
Cc: [Wright, Ryan \[GO\]](#); [Davis, Kate \[GO\]](#)
Subject: Re: Confidential Attorney Client Communication/Attorney Work Product
Date: Monday, May 16, 2022 2:59:43 PM

Thank you!

Will Lawrence | Chief of Staff
Kansas Governor Laura Kelly
300 SW 10th Avenue, Room 259-S
Topeka, KS 66612
Office: [REDACTED] | [REDACTED]

From: Laura Howard [Secretary DCF/KDADS] <[REDACTED]>
Sent: Monday, May 16, 2022 2:49:53 PM
To: Lawrence, Will [GO] <[REDACTED]>
Cc: Wright, Ryan [GO] <[REDACTED]> Davis, Kate [GO] <[REDACTED]>
Subject: RE: Confidential Attorney Client Communication/Attorney Work Product

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Laura:

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Thanks,

Ryan

From: Laura Howard [Secretary DCF/KDADS] <[REDACTED]>
Sent: Friday, May 13, 2022 4:09 PM
To: Wright, Ryan [GO] <[REDACTED]>
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Sent: Thursday, June 27, 2019 10:12 PM

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Cc: Laura Howard [Secretary DCF/KDADS] <[REDACTED]>; Sheedy, Cory [GO]
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Subject: Confidential Attorney Client Communication/Attorney Work Product

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[REDACTED]

[REDACTED]

[REDACTED]

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From: [Laura Howard \[Secretary DCF/KDADS\]](#)
To: [Wright, Ryan \[GO\]](#)
Subject: RE: Confidential Attorney Client Communication/Attorney Work Product
Date: Tuesday, May 17, 2022 10:22:50 AM

Here it is, Ryan –

[10:15 AM] Mike Deines [DCF]

[The Kansas Economic and Employment Support Manual \(ks.gov\)](#) It's posted here as an addendum to the 2019 memo. It's 22-05-17 (look down under 2019).

[10:16 AM] Mike Deines [DCF]

We are adding "non-use of 15% ABAWD exemption" after the word addendum.

From: Laura Howard [Secretary DCF/KDADS]
Sent: Monday, May 16, 2022 11:24 AM
To: Wright, Ryan [GO] <[REDACTED]>
Subject: RE: Confidential Attorney Client Communication/Attorney Work Product

Will do, Ryan.

From: Wright, Ryan [GO] <[REDACTED]>
Sent: Monday, May 16, 2022 10:00 AM
To: Laura Howard [Secretary DCF/KDADS] <[REDACTED]>
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