



Mitchell E. Daniels, Jr., Governor
State of Indiana

Indiana Family and Social Services Administration
402 W. WASHINGTON STREET, P.O. BOX 7083
INDIANAPOLIS, IN 46207-7083

January 12, 2009

Mr. Tim English, Director
USDA – Food and Nutrition Service
Midwest Regional Office
77 West Jackson Street, 20th Floor
Chicago, Illinois 60604-3511

Dear Mr. English:

The purpose of this letter is to request a modification and extension of waiver 970155, which exempts certain areas from the Able-Bodied Adults Without Dependents (ABAWD) time limited eligibility provisions of Public Law 104-193, Section 824.

Indiana would like to modify our existing waiver to exempt residents residing in the entire State from the work requirements of 7 CFR 273.24 due to having insufficient jobs based on the U.S. Department of Labor data that the State qualifies for extended unemployment benefits. The Emergency Unemployment Compensation Trigger Notice No. 2008-50 indicating Indiana's status is attached for reference. Also, we would be requesting an extension of this waiver to cover the period of April 1, 2009 through March 31, 2010.

ABAWDS would continue to be tracked through ICES but there would obviously no longer be time limited benefits during the extent of this waiver. ICES requires only a table change that would place all ABAWDS under labor surplus.

In requesting an extension of this waiver, Indiana will retain the "Work First" policy by continuing efforts to place individuals in these areas in jobs. Your favorable review and approval of the attached waiver modification and extension would be appreciated.

Please feel free to contact Dave Smalley at (317) 232-2010 if there are any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Zach Mann".

Zach Mann, Director
Division of Family Resources



WAIVER REQUEST

1. **Waiver serial number:** 970155
2. **Type of request:** Modification and Extension
3. **Primary regulation citation, if any:** Section 6 (o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, P.L. 104-193.
4. **Secondary regulation citation, if any:** 7 CFR 273.24 (f)(2)(ii)
5. **State:** Indiana
6. **Region:** Midwest
7. **Regulatory requirements:**

Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), P.L. 104-193, provides that no individual shall be eligible to participate in the Food Stamp Program as a member of any household if, during the preceding 36 month period, the individual received food stamp benefits for not less than 3 months (consecutive or otherwise), during which the individual did not work 20 hours or more per week, averaged monthly; did not participate in and comply with the requirement of a work program for 20 hours or more per week; or did not participate in and comply with requirements of a program under section 20 or a comparable program established by the State.

Section 6(o) of the Food Stamp Act, as amended by Section 824 of PRWORA, also provides that, upon the request of a State agency, the Secretary may waive the applicability of the above provision for any group of individuals in the State if the Secretary makes a determination that the area in which the individuals resides has an unemployment rate of over 10 percent, or does not have a sufficient number of jobs to provide employment for the individuals.

8. **Proposed procedures:**

Indiana is requesting a modification and extension of its existing waiver to exempt residents residing in the entire State from the work requirements of 7 CFR 273.24 due to having insufficient jobs based on the U.S. Department of Labor data that the State qualifies for extended unemployment benefits.

26 USC 3304 (Public Law 102-318) allows States the option of providing an additional alternative trigger for the extended benefits program, based on the State's seasonally adjusted total unemployment rate (TUR) for the most recent three months reaching at least: (1) 6.5 percent; and (2) 110 percent of such TUR for the

corresponding three-month periods ending in either or both of the two preceding calendar years.

The Unemployment Compensation Extension Act of 2008 (P.L. 110-449), which was signed into law on November 21, 2008, modified the criteria used by DOL for the EB program for the duration of the legislation. As a result, some States qualify for an EB program based on the recently-revised criteria rather than the traditional criteria.¹ The Department of Labor's Department of Unemployment Insurance Service began determining and publishing which states trigger extended benefits under the revised criteria on November 23, 2008² as the EUC Trigger Notice. The revised criteria require a State's seasonally adjusted TUR for the most recent three months reach at least 6.0 percent.

The Department of Labor's EUC Trigger Notice No. 2008-50³ shows the State's 3-month average total unemployment rate (TUR) was 6.6 percent, making the State eligible for extended unemployment benefits.

9. Justification for request:

This request to exempt residents residing in the entire State from the work requirements of 7 CFR 273.24 due to having insufficient jobs is based on the State qualifying for extended unemployment benefits within the past 12 months.

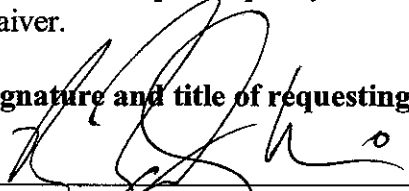
10. Anticipated implementation date and time period for which waiver is needed:

The State is requesting a one-year waiver from April 1, 2009 through March 31, 2010.

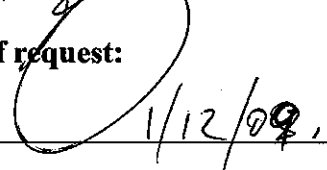
11. Proposed quality control review procedures:

There are no special quality control procedures needed in conjunction with this waiver.

12. Signature and title of requesting official:



13. Date of request:



¹ SNAP-ABAWD Statewide Waivers-New Criteria for Unemployment Insurance Extended Benefits Trigger guidance issued by FNS on January 8, 2009. Please see attachment.

² http://www.workforcesecurity.doleta.gov/unemploy/euc_trigger/2008/euc_112308.pdf

³ Extended Benefits Trigger Notices can be found at http://www.workforcesecurity.doleta.gov/unemploy/claims_arch.asp Trigger notice 2008-50 was issued the week of December 28, 2008.