



**STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES**

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BILL HASLAM
GOVERNOR

RAQUEL HATTER, MSW, Ed.D.
COMMISSIONER

July 8, 2013

Peggy Fouts, Regional Supplemental Nutrition Assistance Program Director
Southeast Region, Food and Nutrition Services
United States Department of Agriculture
61 Forsyth Street, Suite 8T36
Atlanta, Georgia 30303

Dear Ms. Fouts:

Tennessee is requesting a waiver extension for the Able Bodied Adults Without Dependents (ABAWD) time limits for participation in the Supplemental Nutrition Assistance Program for fiscal year 2014.

Tennessee is eligible for an Fiscal Year 2014 statewide one-year waiver based on its listing as eligible for at least the second tier of Emergency Unemployment Compensation (EUC) benefits, as listed on the June 30, 2013 EUC trigger notice from the Department of Labor. As our state is one that met the criteria, Tennessee wishes to suspend the time limits on ABAWDs through at least September 30, 2014.

Please let this letter and waiver extension request be Tennessee's written notification of their decision to waive the ABAWD work requirement.

If you have any questions or need additional information, please contact Lisa Tarrant-Gilbert at 615-742-4479.

A handwritten signature in cursive script that reads "Lisa Tarrant-Gilbert".

Lisa Tarrant-Gilbert
Food Stamp (SNAP) Interim Director
Tennessee Department of Human Services

LTG/SR

WAIVER REQUEST

1. **Waiver serial number:**
970084
2. **Type of request:**
Extension
3. **Primary regulation citation:**
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:**
7 CFR 273.24 (f)(2)(ii)
5. **State:**
Tennessee
6. **Region:**
SERO
7. **Regulatory Requirements:**

Under 7 CFR 273.24(b) individuals are not 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; participate in and comply with the requirements of a work program for 20 hours or more per week; or participate in and comply with requirements of a program under Section 20 or a comparable program established by the State.

Under 7 CFR 273.24(f), upon the request of a State agency, the Food and Nutrition Service (FNS) may waive the applicability of the above provision for any group of individuals in the State if the FNS makes a determination that the area in which the individuals reside has an unemployment rate of over 10 percent, or does not have a sufficient number of jobs to provide employment for the individuals.
8. **Description of the proposed alternative procedures:**

Under SNAP regulations at 7 CFR 273.24(f)(2), a State can qualify for a 12-month statewide ABAWD waiver if the Department of Labor (DOL)'s Unemployment Insurance Service determines it meets the criteria for extended unemployment benefits (EB) as evidence of insufficient jobs. The Unemployment Compensation Extension Act of 2008 (P.L. 110-449), which was signed into law on November 21, 2008, introduced new criteria used by DOL for the EB program.

As a result, some States qualify for extended unemployment benefits based on the criteria of the Emergency Unemployment Compensation (EUC) program, rather than the traditional

EB criteria. States may be eligible for statewide waivers if the state is listed on the DOL Extended Benefits Trigger Notice as being “ON” extended benefits, regardless of whether the State qualified based on the traditional EB criteria or the revised EUC criteria.¹

The DOL began determining and publishing which states were eligible for the different levels of EUC in November 2008 on the EUC Trigger Notice. The criteria for EUC have been modified several times², but currently to trigger on to at least the second tier of benefits³, states must have a 3-month average Total Unemployment Rate (TUR) of 6 percent or more.

The Department of Labor’s EUC Trigger Notice No. 2013 - 24⁴ on June 30, 2013 shows the State’s 3-month TUR was 8.1 percent, making the State eligible for at least the second tier of emergency unemployment compensation benefits.

9. Justification for request:

As stated in number 8 above, 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 October 1, 2013 through September 30, 2014.

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: <http://www.fns.usda.gov/snap/rules/Memo/2009/010809.pdf>.

² <http://www.ows.doleta.gov/unemploy/pdf/euc08.pdf> lists the different modifications to the program. The most recent, the American Taxpayer Relief Act of 2012 (P.L. 112-240), extended the expiration date of the EUC program to January 1, 2014.

³ Currently, all states are eligible for the first tier of benefits; Tier 2 requires a 6% TUR, Tier 3 requires a 4% 13-week Insured Unemployment Rate (IUR) or a 7% TUR, and Tier 4 requires a 6% IUR or a 9% TUR.

⁴ Extended Benefits Trigger Notices can be found at: http://www.workforcesecurity.doleta.gov/unemploy/claims_arch.asp. This trigger notice is located at https://ows.doleta.gov/unemploy/euc_trigger/2013/euc_063013.html. Trigger notice was issued the week of June 30, 2013.



United States
Department of
Agriculture

Food and
Nutrition
Service

3101 Park
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Alexandria, VA
22302-1500

JAN - 8 2009

SUBJECT: SNAP - ABAWD Statewide Waivers - New Criteria for Unemployment Insurance Extended Benefits Trigger

TO: All Regional Directors
Supplemental Nutrition Assistance Program

Federal regulations allow FNS to waive the three-month time limit on SNAP benefits for Able Bodied Adults Without Dependents (ABAWDS) if FNS determines that the area in which the individual resides does not have a sufficient number of jobs. Under current regulations at 7 CFR 273.24(f)(2), a State agency qualifies for a 12-month statewide waiver of the ABAWD time limit if the Department of Labor's (DOL) Unemployment Insurance Service determines that the State qualifies for extended unemployment benefits. FNS approves State requests for a statewide waiver if the State is listed on the Department of Labor Extended Benefits Trigger Notice as being "ON" Extended Benefits, meaning the State meets the DOL criteria for Extended Benefits (EB). During the current economic downturn, a growing number of States qualify for statewide ABAWD waivers through this means.

The recently-enacted 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. The Department of Labor's Trigger Notice includes States that qualify under the traditional and new criteria.

Consistent with Federal regulations, FNS will continue to approve State requests for statewide waivers based on the State's qualifying for EB, as indicated by the DOL Trigger Notice, regardless of the criteria by which the State qualified for EB. Please inform your State agencies of this policy.

If you have any questions, please contact me at (703)305-2494 or Sandy Clark, Certification Policy Branch Chief, at (703)305-2495.

Arthur T. Foley
Arthur T. Foley

EUC 2008 TRIGGER NOTICE NO. 2013 - 24

EUC 2008 TRIGGERS UNDER P.L. 112-240

Effective June 30, 2013

State	13 Weeks IUR	3 months SA TUR	Tier Two Status	Tier Two Begin/End Date	Tier Three Status	Tier Three Begin/End Date	Tier Four Status	Tier Four Begin/End Date
Alabama	1.78	6.9	ON	11/21/2008	OFF	4/13/2013		
Alaska	4.86	6.0	ON	11/21/2008	ON	11/8/2009	OFF	5/4/2013
Arizona	1.67	7.9	ON	11/21/2008	ON	11/8/2009		
Arkansas	2.45	7.2	ON	11/21/2008	ON	11/8/2009		
California	3.22	9.0	ON	11/21/2008	ON	11/8/2009	ON	11/8/2009
Colorado	1.86	7.0	ON	11/21/2008	ON	11/8/2009		
Connecticut	3.22	8.0	ON	11/21/2008	ON	11/8/2009	OFF	3/9/2013
Delaware	2.13	7.2	ON	11/21/2008	ON	4/7/2013		
District of Columbia	2.10	8.5	ON	11/21/2008	ON	11/8/2009		
Florida	1.51	7.3	ON	11/21/2008	ON	11/8/2009		
Georgia	1.67	8.3	ON	11/21/2008	ON	11/8/2009		
Hawaii	2.01	4.9						
Idaho	2.18	6.1	ON	11/21/2008				
Illinois	3.05	9.3	ON	11/21/2008	ON	11/8/2009	ON	4/14/2013
Indiana	1.68	8.5	ON	11/21/2008	ON	11/8/2009		
Iowa	1.78	4.7						
Kansas	1.82	5.6						
Kentucky	1.93	8.0	ON	11/21/2008	ON	11/8/2009		
Louisiana	1.25	6.5	OFF	4/13/2013				
Maine	2.45	6.9	ON	11/21/2008	ON	11/8/2009		
Maryland	2.37	6.6	ON	11/21/2008				
Massachusetts	2.77	6.5	ON	11/21/2008				
Michigan	2.35	8.4	ON	11/21/2008	ON	11/8/2009	OFF	4/13/2013
Minnesota	2.17	5.3						
Mississippi	2.20	9.2	ON	11/21/2008	ON	11/8/2009	ON	4/14/2013
Missouri	1.86	6.7	ON	11/21/2008				
Montana	2.72	5.5						
Nebraska	1.15	3.8						
Nevada	2.87	9.6	ON	11/21/2008	ON	11/8/2009	ON	11/8/2009
New Hampshire	1.47	5.5						
New Jersey	3.33	8.8	ON	11/21/2008	ON	11/8/2009	ON	11/8/2009
New Mexico	3.16	6.8	ON	11/21/2008				
New York	2.70	7.9	ON	11/21/2008	ON	11/8/2009		
North Carolina*	2.37	9.0	OFF	6/29/2013	OFF	6/29/2013	OFF	6/29/2013
North Dakota	0.96	3.3						
Ohio	1.80	7.0	ON	11/21/2008	ON	5/5/2013		
Oklahoma	1.36	5.0						
Oregon	2.92	8.0	ON	11/21/2008	ON	11/8/2009		

Pennsylvania	3.17	7.7	ON	11/21/2008	ON	11/8/2009		
Puerto Rico	4.43	13.7	ON	11/21/2008	ON	11/8/2009	ON	11/8/2009
Rhode Island	2.78	9.0	ON	11/21/2008	ON	11/8/2009	ON	11/8/2009
South Carolina	1.67	8.1	ON	11/21/2008	ON	11/8/2009		
South Dakota	0.65	4.1						
Tennessee	1.60	8.1	ON	11/21/2008	ON	11/8/2009		
Texas	1.50	6.4	ON	11/21/2008				
Utah	1.42	4.7						
Vermont	2.26	4.1						
Virgin Islands	2.48	7.6	ON	6/30/2013	ON	6/30/2013		
Virginia	1.25	5.3						
Washington	2.44	7.0	ON	11/21/2008	ON	11/8/2009		
West Virginia	2.35	6.6	ON	11/21/2008	ON	9/23/2012		
Wisconsin	2.95	7.0	ON	11/21/2008	ON	5/12/2013		
Wyoming	2.04	4.7						

* All states are eligible for up to 14 weeks of First Tier benefits, except North Carolina. Due to violation of the EUC "non-reduction" rule, the EUC Agreement with NC was terminated.

As of June 30, 2013, 37 states are eligible for Tier 2 benefits, 30 states are eligible for Tier 3 benefits, and 7 states are eligible for Tier 4 benefits.

As of June 30, 2013, maximum potential durations in the EUC 2008 program are 14 weeks in Tier 1, 14 weeks in Tier 2, 9 weeks in Tier 3, and 10 weeks in Tier 4.

As of June 30, 2013, Tier 1 has no trigger threshold, Tier 2 requires a 6% TUR, Tier 3 requires a 4% IUR or a 7% TUR, and Tier 4 requires a 6% IUR or a 9% TUR.

IUR reflects the 13-week period ending June 15, 2013.

TUR is the three month average, seasonally adjusted total unemployment rate for the 3-month period ending May, 2013.