



Government of the Virgin Islands of the United States

DEPARTMENT OF HUMAN SERVICES

Office of the Commissioner

September 28, 2022

Bonnie Brathwaite
SNAP Regional Division Director
USDA/FNS Northeast Regional Office
10 Causeway Street, Room 501
Boston, MA 02222

Re: VI DHS ABAWD Waiver Request

Dear Ms. Brathwaite:

Please accept this letter as our official request for a territory-wide one-year waiver (January 1 - December 31, 2023), exemption for Able Bodies Without Dependents (ABAWDs) from the Supplemental Nutrition Assistance Program (SNAP) time limits at 7CFR 273.24. The ABAWD and DOL data stats are attached.

Please do not hesitate to contact me should you require additional information.

Sincerely,

Kimberley Causey-Gomez
Commissioner

Attachment

c: Mrs. Taetia Phillips-Dorsett
Mrs. Emmanueline Archer
Mrs. Lorna Sutton

STATE WAIVER REQUEST

1. **Waiver Serial Number (if applicable):** 2150046
2. **Type of request:** Extension and modification
3. **Statutory citation:** Section 6(o) of the Food and Nutrition Act of 2008, as amended
4. **Regulatory citation:** 7 CFR 273.24
5. **State:** Virgin Islands
6. **Region:** NERO
7. **Regulatory requirements:** Section 6(o) of the Food and Nutrition Act of 2008, as amended, provides that no able-bodied adult without dependents (ABAWD) shall be eligible to participate in the Supplemental Nutrition Assistance Program (SNAP) as a member of any household if the individual received program benefits for more than 3 months during any 3-year period in which the individual was subject to but did not comply with the ABAWD work requirement. Section 6(o) also provides that, upon the request of the State agency, the Secretary may waive the applicability of the 3-month ABAWD time limit for any group of individuals in the State if the Secretary 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 alternative procedures:** The U.S. Virgin Islands is requesting to exempt able-bodied adults without dependents (ABAWDs) on the entire U.S. territory from the SNAP time limit at 7 CFR 273.24.
9. **Justification for request:**
Under SNAP regulations at 7 CFR 273.24(f)(2), the State may support a claim of insufficient jobs by submitting evidence that the State qualifies for extended unemployment benefits within the past 12 months.

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 period ending in either or both of the two preceding calendar years.

The Department of Labor's Trigger Notice No. 2021 –51¹ shows the State's 3-month

¹ Extended Benefits Trigger Notices can be found at https://oui.doleta.gov/unemploy/claims_arch.asp. Trigger notice 2021-51 was issued the week of January 2, 2022.

average total unemployment rate (TUR) was: (1) 8.0 percent and (2) 163 percent of the 3-month average for the corresponding period in the second preceding year, making the State eligible for extended unemployment benefits.

10. **Anticipated impact on households and State agency operations:** This waiver will provide consistency for state operations.
11. **Caseload information, including percent, characteristics, and quality control error rate for affection portion (if applicable):** This waiver affects the entire territory. VI's caseload is approximately 10,320.
12. **Anticipated implementation date and time period for which waiver is needed:** The U.S. Virgin Islands is requesting a one-year waiver from January 1, 2023, through December 31, 2023.
13. **Proposed quality control review procedures:** There are no quality control procedures involved.
14. **State agency submitting waiver request and State contact person:** Natalie Bailey, Natalie.bailey@dhs.vi.gov
15. **Signature and title of requesting official:**



Kimberley Causey-Gomez

Commissioner

Email: Kimberley.causeygomez@dhs.vi.gov

16. **Date of request:** September 28, 2022
17. **State agency staff contact (name/email/telephone):** Emmanueline Archer, 340-774-0930 or emmanueline.archer@dhs.vi.gov
18. **Regional office contact person (to be completed by FNS regional office):**

TRIGGER NOTICE NO. 2021 - 51
FEDERAL-STATE EXTENDED UNEMPLOYMENT ACT OF 1970 AS AMENDED
Effective January 2, 2022

			INDICATORS					STATUS	
			13 Weeks Insured Unemployment Rate	Percent of Prior Years	3 months S.A. TUR	Percent of Prior Year	Second Year	Available Weeks	Begin Date(B) End Date(E)
@	*	& Alabama	0.32	29	3.1	58	111		E 09-26-2020
		& Alaska	2.71	61	6.1	92	117		E 12-11-2021
		& Arizona	0.61	28	5.2	76	111		E 12-12-2020
		& Arkansas	0.93	61	3.7	66	106		E 10-17-2020
		& California	2.79	55	7.2	74	176		E 09-11-2021
		& Colorado	0.88	40	5.4	78	216		E 06-12-2021
		& Connecticut	1.59	54	6.4	78	178	13 will	E 01-08-2022
		& Delaware	0.97	43	5.3	83	136		E 01-09-2021
		& District of Col	2.89	79	6.3	72	126		E 09-11-2021
		* & Florida	1.03	67	4.7	77	147		E 11-07-2020
		* & Georgia	1.18	34	3.1	52	94		E 02-06-2021
		& Hawaii	2.32	46	6.3	48	286		E 03-06-2021
		& Idaho	0.52	54	2.7	53	100		E 08-22-2020
		& Illinois	2.48	65	5.9	66	164		E 09-11-2021
		& Indiana	1.01	57	3.3	59	106		E 11-14-2020
		* & Iowa	0.72	39	3.9	91	139		E 10-31-2020
		& Kansas	0.42	23	3.8	73	123		E 12-12-2020
		* & Kentucky	0.68	33	4.2	76	102		E 11-28-2020
		& Louisiana	1.41	44	5.4	68	110		E 01-23-2021
		& Maine	0.93	59	4.9	100	181		E 11-14-2020
		& Maryland	1.15	41	5.6	82	165		E 12-12-2020
		& Massachusetts	1.75	60	5.3	62	183		E 07-17-2021
		* & Michigan	1.33	42	6.1	74	156		E 04-17-2021
		& Minnesota	1.86	66	3.5	65	113		E 12-19-2020
		& Mississippi	0.63	29	5.4	77	96		E 12-19-2020
		& Missouri	0.66	51	3.7	74	109		E 10-10-2020
		& Montana	1.05	42	3.1	65	86		E 11-14-2020
		& Nebraska	0.37	44	1.9	53	66		E 09-12-2020
		& Nevada	2.11	46	7.2	64	195		E 09-11-2021
		* & New Hampshire	0.43	20	2.8	58	108		E 12-05-2020
		@ & New Jersey	2.49	77	6.9	80	197	13	B 05-03-2020
		@ * & New Mexico	1.60	42	6.5	76	133	13	B 05-17-2020
		& New York	1.87	55	6.9	76	182		E 09-05-2021
		& North Carolina	0.57	47	4.1	60	114		E 02-20-2021
		* & North Dakota	0.51	41	3.3	70	143		E 10-03-2020
		& Ohio	0.81	40	5.1	82	121		E 12-26-2020
		& Oklahoma	1.03	44	2.7	52	87		E 12-12-2020
		& Oregon	1.90	68	4.4	63	129		E 02-20-2021
		& Pennsylvania	1.88	50	6.0	85	130		E 05-15-2021
		& Puerto Rico	3.16	71	8.0	90	103		E 03-20-2021
		& Rhode Island	1.84	71	5.2	60	144		E 07-17-2021
		& South Carolina	0.72	45	3.9	72	163		E 12-12-2020
		* & South Dakota	0.25	38	2.8	74	93		E 01-24-1981
		& Tennessee	0.59	47	4.2	59	124		E 11-07-2020
		& Texas	0.96	37	5.4	72	154		E 09-11-2021
		* & Utah	0.42	51	2.2	58	92		E 09-26-2020
		& Vermont	0.94	37	2.7	66	108		E 12-19-2020
		& Virgin Islands	2.52	59	8.0	65	163		E 05-01-2021
		& Virginia	0.74	45	3.6	58	144		E 11-21-2020
		* & Washington	1.60	49	4.9	68	126		E 03-13-2021
		& West Virginia	1.15	44	4.3	58	88		E 12-12-2020
		& Wisconsin	1.12	51	3.2	67	97		E 11-07-2020
		* & Wyoming	0.66	45	4.1	75	105		E 09-19-2020

Total Number 'ON': 3

0

3

* - State does not have 6 % IUR option in law.

USDOL/ETA/OUI/DFAS

& - State does not have TUR option in law.

12/30/2021

- State "ON" by 13-week IUR.

@ - State "ON" by 3-month average TUR.

IUR reflects 13-week period ending December 18, 2021.

TUR reflects avg. seasonally adjusted TUR for 3-month period ending November, 2021.