



Food and
Nutrition
Service

Park Office
Center

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Alexandria
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SEP 18 2015

Mr. James W. Gillan
Director
Guam Department of Public Health and Social Services
123 Chalan Kareta
Mangelo, Guam 96913-6304

RE: SNAP – Guam Request to Waive Able-bodied Adults without Dependents
Time Limits – Extension – Approval

Dear Mr. Gillan:

This is in response to the Guam Department of Public Health and Social Services' request to extend waiver number 2140024, which would allow Guam to exempt able-bodied adults without dependents (ABAWD) throughout the Territory from the Supplemental Nutrition Assistance Program (SNAP) time limit at 7 CFR 273.24. The U.S. Bureau of Labor Statistics does not generate employment data for the Territory of Guam. Instead, the Territory has provided data from the Guam Department of Labor, Bureau of Labor Statistics (Guam BLS) as supportive documentation of its high unemployment. Due to the unavailability of data from the U.S. Bureau of Labor Statistics, the Food and Nutrition (FNS) has considered Guam BLS data as acceptable support for previous ABAWD waiver requests from the Territory of Guam. Guam BLS publishes unemployment figures on a quarterly basis throughout each calendar year.

Guam submitted unemployment figures from calendar years 2012, 2013, and 2014, the most recent Guam BLS data available, in support of its request. The Guam BLS data provided demonstrates that Guam had an average unemployment rate that reached 20 percent above the national average for the 36-month period of calendar years 2012, 2013, and 2014.

Based upon the data provided, FNS is approving the waiver extension for a 24-month period, effective October 1, 2015 through September 30, 2017. The detailed waiver response is attached. If you have any questions, please contact Barbara Utuchian at barbara.utuchian@fns.usda.gov.

Sincerely,

Sasha Gersten-Paal
Chief
Certification Policy Branch
Program Development Division

WAIVER RESPONSE

1. **Waiver Serial Number:** 2140024
2. **Type of Request:** Extension
3. **Primary regulation citation:** 7 CFR 273.24
4. **Area:** Guam
5. **Region:** Western
3. **Regulatory Requirement:** Federal regulations at 7 CFR 273.24 provide 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. Regulations at 7 CFR 273.24(a) provide that fulfilling the work requirement means: working 20 hours or more per week, averaged monthly; participating in and complying with the requirements of a work program at least 20 hours per week; any combination of working and participating in a work program for a total of 20 hours per week; or participating and complying with a workfare program.

Regulations at 7 CFR 273.24(f) also provide 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 reside has an unemployment rate of over 10 percent, or does not have a sufficient number of jobs to provide employment for the individuals.

6. **Description of proposed alternative procedures:** The Territory of Guam Department of Public Health and Social Services has requested a Territory-wide waiver of ABAWD time limits at 7 CFR 273.24 based upon a recent 36-month unemployment rate that reached 20 percent above the national average. The U.S. Department of Labor's Bureau of Labor Statistics does not collect unemployment data for Guam. Labor data is derived from sample surveys of households conducted by the Guam Department of Labor, Bureau of Labor Statistics (Guam BLS). These are periodic surveys, usually conducted on a quarterly basis, where field interviews are conducted inquiring about activity or status during the calendar week.

Guam submitted unemployment figures from calendar years 2012, 2013, and 2014, the most recent Guam BLS data available, in support of its request. During this 36-month period the national average unemployment rate was 7.2 percent; 20 percent above this is 8.6 percent. As detailed in the following table, the Guam BLS data provided shows that the Territory had an average unemployment rate of 10.5 percent for the selected 36-month period.

Guam Bureau of Labor Statistics Calendar Years 2012, 2013, and 2014*		
	Labor Force Total	Unemployment Total
Guam	860,870	90,040
Average Unemployment Rate	8.6%	
20% Above National Average Unemployment Rate Threshold	7.2%	

*Data extracted from <http://www.bls.guam.gov> on September 15, 2015

8. **Action and reason for approval or denial:** The Food and Nutrition Service (FNS) is approving the Territory of Guam's request to waive the ABAWD time limit because the Territory meets the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance. The regulations at 7 CFR 273.24(f) provide that the State agency submit whatever data it deems appropriate to support its request. Regulations at 7 CFR 273.24(f) provide that the State agency may support a claim of insufficient jobs or high unemployment using evidence based upon standard Bureau of Labor Statistics data or methods. Based upon the data provided, FNS is approving Guam's request for 24-months, effective October 1, 2015 through September 30, 2017.
9. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24(f).
10. **Conditions and reasons:** None.
11. **Information required for extension:** To receive an extension the State agency must provide FNS with a formal waiver request supported by data or other information as described in 7 CFR 273.24(f). If the State requests an extension based upon unemployment rates, it must provide FNS with all supporting documentation, including data spreadsheets.
12. **Expiration date:** This waiver is effective October 1, 2015 through September 30, 2017.
13. **Limitation, if any, on regional office approval of like requests:** Approval of this waiver is limited to the Territory of Guam.

14. **Date of national office action:** **SEP 18 2015**
15. **Date of State agency's request:** August 7, 2015
16. **Date of regional office transmittal of request:** August 19, 2015
17. **Implementation date (notify FNS if actual date differs):** October 1, 2015
18. **State agency contact:**
Theresa L. Arcangel
(671) 735-7300
theresa.arcangel@dphss.guam.gov
19. **FNS regional contact:**
Barbara Utuchian
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