

2090030

SUBJECT: SNAP -- Idaho Waiver Request--Able-bodied Adults without Dependents (ABAWDs) Statewide Waiver of 7 CFR 273.24 -- Initial -- Approval

TO: Dennis Stewart, Director
Supplemental Nutrition Assistance Program
Western Region

This is in response to the Idaho State agency's request to waive the work requirements of 7 CFR 273.24 for able-bodied adults without dependents (ABAWDs) statewide based on insufficient jobs. Under the State agency's request, all residents of the entire State would be exempt from the work requirements of 7 CFR 273.24 based on the State's eligibility for extended unemployment benefits under the Department of Labor (DOL) Unemployment Insurance Service's Trigger Notice number 2009-01 effective January 18, 2009. Idaho remains on the DOL's latest Trigger Notice number 2008-6, effective February 22, 2009. This waiver request replaces Idaho's previous request of January 8, 2009 to waive work requirements in 8 counties and 3 Tribal Reservations, which was submitted shortly before the State agency became eligible for a statewide waiver through inclusion in the DOL Trigger Notice. The Western Regional Office (WRO) recommends approval of this modified waiver request.

Food and Nutrition Service (FNS) is approving this waiver for one year, effective March 1, 2009 through February 28, 2010, as requested by the State agency. However, Section 101(e) of the recently-enacted American Recovery and Reinvestment Act of 2009 (ARRA) suspends restrictions on ABAWD participation in the Supplemental Nutrition Assistance Program (SNAP) as of April 1, 2009 continuing through September 1, 2010 (unless State agencies choose to impose specific work requirements) so waivers are not required to exempt ABAWDs from the time limits during this period.

If you have any questions, please contact Melissa Daigle Katz at Melissa.DaigleKatz@fns.usda.gov or at (415) 705-1323, ext. 304.

/s/

Angela Kline
Assistant Branch Chief
Certification Policy Branch

Attachment

E-mail distribution: CPB, ABAWD Waivers

FINAL:FNS:FSP:PDD:CPB:MDaigleKatz
DIR:I:CPB:WAIVERS:FY2009:2090030 – ID ABAWD Initial: ID ABAWD Initial Approval

WAIVER RESPONSE

1. **Waiver serial number:** 2090030
2. **Type of request:** Initial
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:** None
5. **State:** Idaho
6. **Region:** Western
7. **Regulatory requirements:** The Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 273.24 provide that no individual shall be eligible to participate in SNAP as a member of any household if, during the preceding 36-month period, the individual received SNAP 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 requirements of a work program for 20 hours or more per week; did not participate in and comply with requirements of a program under Section 20 or a comparable program established by the State; or was exempt from these requirements.

SNAP 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.
8. **Proposed alternative procedures:** Idaho requests to exempt all counties and Tribal Reservations statewide from the ABAWD time limits from March 1, 2009 to February 28, 2010 based on insufficient jobs. The Idaho Department of Human Services (DHS) has submitted the U.S. Department of Labor's report entitled "EUC 2008 Trigger Notice No. 2009-1, Second Tier EUC 2008 Triggers Under P.L. 110-449", effective January 18, 2009, which indicates that Idaho is entitled to extended unemployment compensation benefits.
9. **Action and reason for approval or denial:** FNS is waiving the 3-month time limit for ABAWDs for residents of the entire State of Idaho based on insufficient jobs as

indicated by the State's eligibility for emergency unemployment benefits under the Unemployment Compensation Extension Act of 2008, Public Law 110-449. Under P.L. 110-449, a State may qualify for emergency unemployment benefits if its 3-month total unemployment rate (TUR) is at least 6.0 percent or if its Insured Unemployment Rate (IUR) is at least 4.0 percent for the previous 13 weeks. The trigger notice shows that the State's 13 week average IUR is 4.13 percent, making the State eligible for extended unemployment benefits.

This approval voids the State agency's current ABAWD waiver (2010190) which exempts 16 counties from work requirements and is set to expire on March 31, 2009.

2090030

Page 2

10. **Regulatory or legislative basis for action:** The waiver is approved pursuant to 7 CFR 273.24(f), which allows the Secretary to waive the applicability of the work requirement provision for any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside has insufficient jobs. Designation as "on" in a DOL Unemployment Insurance Service Trigger Notice qualifies a State agency for a statewide ABAWD waiver.
11. **Conditions and reasons:** None.
12. **Information required for extension:** Although Idaho's approved waiver expires February 28, 2010, ABAWDs in the State of Idaho will continue to be exempt from the work requirements of 7 CFR 273.24 through September 30, 2010 under the nationwide suspension of restrictions on ABAWD participation that will be in effect from April 1, 2009 through September 30, 2010, pursuant to section 101(e) of the American Recovery and Reinvestment Act of 2009 (ARRA).
13. **Expiration date:** As requested by the State agency, the waiver is approved for one year and will expire on February 28, 2010. However, the recently-enacted ARRA suspends restrictions on ABAWD participation through September 30, 2010 with no waiver required.
14. **Limitation on regional office approval of like requests:** Approval of this waiver is limited to the Idaho State agency.
15. **Quality control procedures:** No special QC procedures are required for cases subject to the provisions of this waiver.
16. **Date of national office action:** February 23, 2009
17. **Date of State agency's request:** January 27, 2009.
18. **Date of the regional office transmittal of the request to the national office:** February 3, 2009.

19. Date of regional office transmittal of response to State agency:

20. Actual implementation date: