



Food and
Nutrition
Service

JAN 13 2016

Park Office
Center

3101 Park
Center Drive
Alexandria
VA 22302

Mr. Sammy Guillory
Deputy Assistant Secretary
Department of Children and Family Services
627 N. Fourth Street
Baton Rouge, Louisiana 70802

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

Dear Mr. Guillory:

This is in response to the Louisiana Department of Children and Family Services' request to exempt able-bodied adults without dependents (ABAWD) throughout Louisiana from the Supplemental Nutrition Assistance Program (SNAP) time limit at 7 CFR 273.24.

The Louisiana State agency has supported its request based upon the State's eligibility for extended unemployment benefits, a criterion for waiver approval provided by SNAP regulations at 7 CFR 273.24(f). The State has provided a copy of Department of Labor Trigger Notice 2015-3, showing that Louisiana qualified for extended unemployment benefits. Following longstanding Food and Nutrition Service (FNS) policy, States can qualify for a 12-month statewide waiver for up to 12 months after the trigger date.

FNS is approving this waiver effective December 1, 2015, as requested by the State agency. While FNS does not generally provide retroactive approval, as the Agency explained in the preamble to its final rule implementing the waiver of ABAWD time limits at 66 Fed. Reg. 4438, 4463 (Jan. 17, 2001), it reserves the right to approve waivers of the ABAWD time limit retroactively on a case by case basis and under narrow circumstances when a State agency is unable to submit a waiver in a timely fashion due to circumstances beyond its control. In this case, the Louisiana State agency was unable to request the waiver of the ABAWD time limits in a timely fashion due to circumstances beyond its control. Moreover, this waiver approval would allow the Louisiana State agency to overcome certain systems limitations and mitigate a lapse in benefits for eligible households for the month of January while also significantly reducing the administrative burden of the State.

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Therefore, FNS is approving Louisiana to waive the time limit statewide for a 12-month period, effective December 1, 2015 through November 30, 2016, as requested by the State. Please note that FNS has assigned waiver number 2160020 to this approval for tracking purposes. If you have any questions, please contact Catrina Kamau at Catrina.Kamau@fns.usda.gov.

Sincerely,

A handwritten signature in black ink that reads "Sasha Gersten-Paal". The signature is written in a cursive, flowing style.

Sasha Gersten-Paal
Chief
Certification Policy Branch
Program Development Division

Attachment

WAIVER RESPONSE

1. **Waiver Serial Number:** 2160020
2. **Type of Request:** Initial
3. **Primary regulation citation:** 7 CFR 273.24
4. **State:** Louisiana
5. **Region:** Southwest
6. **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 in and complying with a workfare program.

Under SNAP regulations at 7 CFR 273.24(f)(2)(ii), a State can qualify for a 12-month statewide waiver of the ABAWD time limit if the Department of Labor's Unemployment Insurance Service determines that the State qualifies for extended unemployment benefits. The Food and Nutrition Service (FNS) can approve a waiver if the State qualifies for extended benefits, regardless of whether the State has elected the option to offer the benefit itself. States that meet the extended benefit criteria can qualify for a 12-month statewide ABAWD waiver up to 12 months after the trigger date.

7. **Description of proposed alternative procedures:** The Louisiana Department of Children and Family Services has requested to waive the ABAWD time limit at 7 CFR 273.24 throughout the State for a 12-month period, effective December 1, 2015 through November 30, 2016.

The Louisiana State agency has supported its request based upon the State's eligibility for extended unemployment benefits, a criterion for waiver approval provided by SNAP regulations at 7 CFR 273.24(f). The State has provided a copy of Department of Labor Trigger Notice 2015-3, issued February 1, 2015, showing that Louisiana qualified for extended unemployment benefits.

8. **Action and reason for approval or denial:** The Food and Nutrition Service (FNS) is approving the Louisiana State agency's request to waive the ABAWD time limit statewide because the State meets the requirements for approval provided at 7 CFR 273.24(f)(2) and relevant guidance.
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 extension based upon unemployment rates, it must provide FNS with all supporting documentation, including data spreadsheets.
12. **Implementation date and Expiration date:** As requested by the State, the waiver is effective December 1, 2015 through November 30, 2016.
13. **Limitation, if any, on regional office approval of like requests:** This waiver is limited to the Louisiana State agency.
14. **Date of national office action:** JAN 13 2016
15. **Date of State agency's request:** January 13, 2016
16. **Date of regional office transmittal of request:** January 13, 2016
17. **State agency contact:**
Kim Matherne
Kim.Matherne@la.gov
(225) 219-2428
18. **FNS regional contact:**
Catrina Kamau
Catrina.Kamau@fns.usda.gov
(214) 290-9929