



United States Department of Agriculture

DEC 05 2014

Food and
Nutrition
Service

Park Office
Center

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Center Drive
Alexandria
VA 22302

Ms. Katherine Buckley-Patton
Deputy Administrator
Human and Community Services Division
Montana Department of Public Health and Human Services
P.O. Box 202925
Helena, Montana 59620

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

Dear Ms. Buckley-Patton:

This is in response to the Montana Department of Public Health and Human Services' request to extend and modify waiver number 2140013, which would allow Montana to continue exempting able-bodied adults without dependents (ABAWD) in 20 areas of the State from the Supplemental Nutrition Assistance Program (SNAP) time limit. Federal regulations at 7 CFR 273.24 state that ABAWDs who are not fulfilling ABAWD work requirements may only receive SNAP benefits for 3 months in a 36-month period.

The Montana State Agency has requested to exempt individuals from the ABAWD time limit in Flathead, Lake, Lincoln, Mineral, Sanders, Glacier, Liberty, Blaine, Big Horn, Golden Valley, Judith Basin, Musselshell, Petroleum, Wheatland, and Granite Counties. Additionally, the State has requested to exempt individuals from the ABAWD time limit in Blackfeet, Crow, Fort Belknap, Northern Cheyenne, and Rocky Boy's Reservation Areas. In supporting its request, the State has combined certain counties together based upon their respective locations in Montana's official Labor Market Regions, and treated one county and the reservation areas individually. For each county, group of counties, and the reservation areas, the State has used Bureau of Labor and Statistics data to demonstrate an average unemployment rate greater than 20 percent above the national average for the 24-month period of August 2012 through July 2014.

Based upon a review of the data provided, the Food and Nutrition Service is approving Montana's request to extend and modify its waiver of the ABAWD in all 20 of the requested counties and reservation areas for a 12-month period, effective January 1, 2015 through December 31, 2015. The detailed waiver response is attached. If you have any questions, please contact Kathie Herrman at Kathie.Herrman@fns.usda.gov.

Sincerely,

Sasha Gersten-Paál
Chief
Certification Policy Branch
Program Development Division

WAIVER RESPONSE

1. **Waiver Serial Number:** 2140013
2. **Type of Request:** Initial
3. **Primary regulation citation:** 7 CFR 273.24
4. **State:** Montana
5. **Region:** Mountain Plains
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 requirements. 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 or a workfare program for at least 20 hours per week; or any combination of working and participating in a work program for a total of 20 hours per week.

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.

7. **Description of proposed alternative procedures:**

The Montana State Agency has proposed to exempt individuals in a total of 15 counties and 5 reservation areas from the ABAWD time limit at 7 CFR 273.24. In supporting its request, the State has grouped certain counties together based upon Montana's Labor Market Regions, while treating one county and the reservation areas individually. For each group of counties, the individual county, and the reservation areas, the State has used Bureau of Labor and Statistics data to demonstrate an average unemployment rate greater than 20 percent above the national average for the 24-month period of August 2012 through July 2014. During this time period the national average for unemployment was 7.2 percent; 20 percent above this is 8.6 percent.

The State has combined Flathead, Lake, Lincoln, Mineral, and Sanders Counties together to form one economic group based upon their location in Montana's Northwest Labor Market Region. As detailed below, these five counties have an aggregate average unemployment rate of 8.7 percent for the 24-month period of August 2012 – July 2014.

Northwest Counties	Unemployment Rate: August 2012 – July 2014
Flathead	7.7%
Lake	7.8%
Lincoln	13.8%
Mineral	9.4%
Sanders	12.3%
Combined Area	8.7%
20% Above National Average Threshold	8.6%

The State has combined Glacier, Liberty, and Blaine Counties together to form a second economic group based upon their location in Montana's North Central Labor Market Region. As detailed below, these three counties have an aggregate average unemployment rate of 8.8 percent for the 24-month period of August 2012 – July 2014.

North Central Counties	Unemployment Rate: August 2012 – July 2014
Glacier	10.7%
Liberty	4.6%
Blaine	5.6%
Combined Area	8.8%
20% Above National Average Threshold	8.6%

The State has combined Big Horn, Golden Valley, Judith Basin, Musselshell, Petroleum, and Wheatland Counties to form a third economic group based upon their location in Montana's South Central Labor Market Region. As detailed below, these six counties have an aggregate average unemployment rate of 9.0 percent for the 24-month period of August 2012 – July 2014.

South Central Counties	Unemployment Rate: August 2012 – July 2014
Big Horn	13.6%
Golden Valley	4.0%
Judith Basin	4.1%
Musselshell	4.9%
Petroleum	5.8%
Wheatland	4.3%
Combined Area	9.0%
20% Above National Average Threshold	8.6%

The State also qualifies to waive the ABAWD time limit in Granite County based upon the individual area having an average unemployment rate of 9.2 percent for the 24-month period of August 2012 through July 2014.

Furthermore, Montana qualifies to waive the ABAWD time limit in Blackfeet, Crow, Fort Belknap, Northern Cheyenne, and Fort Rocky Boy's Reservation Areas based upon each individual area having an average unemployment rate greater than 20 percent above the national average for the 24-month period of August 2012 through July 2014.

Reservation Area	Unemployment Rate: August 2012 – July 2014
Blackfeet	14.2%
Crow	20.4%
Fort Belknap	9.9%
Northern Cheyenne	15.7%
Fort Rocky Boy's	17.0%
20% Above National Average Threshold	8.6%

8. **Action and reason for approval or denial:** The Food and Nutrition Service (FNS) is approving this waiver for all 20 of the requested areas. When sorted into the three economic groups as described in Item 7, Flathead, Lake, Lincoln, Mineral, Sanders, Glacier, Liberty, Blaine, Big Horn, Golden Valley, Judith Basin, Musselshell, Petroleum, and Wheatland Counties qualify for the ABAWD waiver based upon each group having an aggregate average unemployment rate 20 percent above the national average for the 24-month period of August 2012 through July 2014. Granite County also qualifies for the waiver based upon the individual county having an average unemployment rate greater than 20 percent above the national average for the 24-month period of August 2012 through July 2014. Blackfeet, Crow, Fort Belknap, Northern Cheyenne, and Fort Rocky Boy's

Reservation Areas also qualify for the waiver based upon each area having an average unemployment rate greater than 20 percent above the national average for the 24-month period of August 2012 through July 2014. The data submitted by the State agency meets the requirements of approval pursuant to 7 CFR 273.24(f)(3) and relevant FNS guidance.

9. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24(f)(3)(i),(ii) and (iii).
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. **Expiration date:** This waiver extension is effective January 1, 2015 through December 31, 2015.
13. **Limitation, if any, on regional office approval of like requests:** This waiver is limited to the Montana Department of Public Health and Human Services.
14. **Date of national office action:** DEC 05 2014
15. **Date of State agency's request:** September 30, 2014
16. **Date of regional office transmittal of request:** October 14, 2014
17. **Implementation date (notify FNS if actual date differs):** January 1, 2015
18. **State agency contact:**
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19. **FNS regional contact:**
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