



Food and
Nutrition
Service

NOV 25 2015

Park Office
Center

3101 Park
Center Drive
Alexandria
VA 22302

Melinda Cummings
SNAP Manager
Montana Department of Public Health and Human Services
PO Box 202925
Helena, Montana 59620-2925

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

Dear Ms. Cummings:

This is in response to the Montana Department of Public Health and Human Services (DHHS) request to extend and modify waiver number 2140013, which would allow Montana to exempt able-bodied adults without dependents (ABAWD) in 14 counties and 5 reservation areas from the Supplemental Nutrition Assistance Program time limit at 7 CFR 273.24 for calendar year 2016.

The Montana State agency has supported its request to waive the time limit in two regional groups of contiguous counties based upon each of the combined areas having an aggregate average unemployment rate 20 percent above the national average for a recent 24-month period. The first group of contiguous counties includes Glacier, Lincoln, Mineral, Sanders, Flathead, Toole, and Liberty Counties. The second group of contiguous counties includes Big Horn, Treasure, Rosebud, Petroleum, Musselshell, Golden Valley, and Wheatland Counties.

The State agency has also requested to waive the time limit in Blackfeet, Crow, Fort Belknap, Northern Cheyenne, and Rocky Boy's Reservation Areas based upon each individual area having an aggregate average unemployment rate 20 percent above the national average for a recent 24-month period.

The Bureau of Labor Statistics and the American Community Survey data provided by the Montana State agency supports waiver approval for the requested areas. Therefore, the Food and Nutrition Service is approving Montana's request to waive the ABAWD time limit in the 14 counties and 5 reservation areas for 12 months, effective

Melinda Cummings
Page 2

January 1, 2016, through December 31, 2016. The detailed waiver response is attached.
If you have any questions please contact Kathie Herrman at
Kathie.Herrman@fns.usda.gov or Phil Fraley at Philip.Fraley@fns.usda.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sasha Gersten-Paal', with a long horizontal flourish extending to the right.

Sasha Gersten-Paal
Chief
Certification Policy Branch
Program Development Division

Attachment

WAIVER RESPONSE

1. **Waiver serial number:** 2140013
2. **Type of request:** Extension and modification
3. **Regulatory 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 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.
7. **Description of proposed alternative procedures:** The Montana State agency has requested to waive the ABAWD time limit at 7 CFR 273.24 in 14 counties and 5 reservation areas from January 1, 2016, through December 31, 2016.
The Montana State agency has supported its request to waive the time limit in two regional groups of contiguous counties based upon each of the combined areas having an aggregate average unemployment rate 20 percent above the national average for a recent 24-month period. The first group of contiguous counties includes Glacier, Lincoln, Mineral, Sanders, Flathead, Toole, and Liberty Counties. The second group of contiguous counties includes Big Horn, Treasure, Rosebud, Petroleum, Musselshell, Golden Valley, and Wheatland Counties. In addition, the State has requested to waive the time limit in Blackfeet, Crow, Fort Belknap, Northern Cheyenne, and Rocky Boy's Reservation Areas based upon each individual area having an aggregate average unemployment rate 20 percent above the national average for a recent 24-month period.

The State agency selected the same 24-month period – January 2013 through December 2014 – for the two groups of counties and all five reservation areas. During this 24-month period the national unemployment rate was 6.8 percent; 20 percent above this is 8.1 percent. As detailed in the following tables, the two regional groups of counties and 5 reservation areas qualify based upon having unemployment

rates 20 percent above the national average from January 2013 through December 2014.

Bureau of Labor Statistics Local Area Unemployment Data January 2013 to December 2014*		
GROUP 1 COUNTIES	UNEMPLOYMENT	LABOR FORCE
Glacier	15,441	148,142
Lincoln	23,617	194,530
Mineral	4,091	42,662
Sanders	11,323	113,552
Flathead	74,795	1,057,701
Toole	1,980	57,310
Liberty	793	23,828
TOTAL	132,040	1,637,725
Combined Area Unemployment Rate	8.1%	
20% Above National Average Threshold	8.1%	

Bureau of Labor Statistics Local Area Unemployment Data January 2013 to December 2014*		
GROUP 2 COUNTIES	UNEMPLOYMENT	LABOR FORCE
Big Horn	16,444	136,531
Treasure	367	8,506
Rosebud	6,152	101,145
Petroleum	314	7,128
Musselshell	2,617	57,525
Golden Valley	462	9,601
Wheatland	1,089	19,501
TOTAL	27,445	339,937
Combined Area Unemployment Rate	8.1%	
20% Above National Average Threshold	8.1%	

Bureau of Labor Statistics Local Area Unemployment / Census Bureau Data*	
Reservation Area	Unemployment Rate: January 2013 – December 2014
Blackfeet	14.2%
Crow	17.7%
Fort Belknap	13.2%
Northern Cheyenne	15.7%
Rocky Boy's	15.9%
20% Above National Average Threshold	8.1%

*Data extracted from <http://www.bls.gov> and <http://factfinder.census.gov> on November 19, 2015.

- 8. Action and reason for approval or denial:** The Food and Nutrition Service (FNS) is approving the Montana State agency's request to waive the ABAWD time limit in all 14 counties and 5 reservation areas because the areas meet the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance.
- 9. Regulatory or legislative basis for action:** The 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:** The waiver is effective January 1, 2016, through December 31, 2016.
- 13. Limitation, if any, on regional office approval of like requests:** The waiver is limited to the Montana State Agency.
- 14. Date of national office action:** **NOV 25 2015**
- 15. Date of State agency's request:** October 5, 2015
- 16. Date of regional office transmittal of request:** October 5, 2015
- 17. Implementation date:** January 1, 2016
- 18. State agency contact:**
Melinda Cummings
MCummings@mt.gov
406-444-5685
- 19. FNS regional contact:**
Kathie Herrman
Kathie.Herrman@fns.usda.gov
303-438-9780

Phil Fraley
Philip.Fraley@fns.usda.gov
313-844-0341