



United States Department of Agriculture

Food and Nutrition
Service

Date: March 5, 2021

1320 Braddock Place
Alexandria VA,
22314

Stephanie Jenewein
SNAP Program Manager
Human & Community Services Division
Department of Public Health & Human Services
P.O. Box 202925
Helena, Montana 59620

**Supplemental Nutrition Assistance Program (SNAP) – Montana Request to Waive
Able-Bodied Adults Without Dependents Time Limit – Initial – Approval**

Dear Ms. Jenewein:

This is in response to the Montana agency's February 26, 2021, request to waive the SNAP time limit for able-bodied adults without dependents (ABAWDs). The attached waiver response includes the approved areas, the supporting evidence used, and the conditions of approval.

On October 18, 2020, the U.S. District Court for the District of Columbia vacated the final rule, [*Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents*](#) (84 FR 66782), which revised the conditions under which the Food and Nutrition Service (FNS) would approve requests from States to waive the ABAWD time limit. As a result, FNS will use the previous waiver criteria published in the January 17, 2001, final rule, [*Food Stamp Program: Personal Responsibility Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996*](#) (66 FR 4438), as the basis for any waiver approvals going forward.

FNS also reminds the State agency that it must measure the 3-year period and track ABAWDs on a continuous basis, even in areas under a waiver. The State must continue tracking so that the State will be ready to transition off-of the waiver when it expires and reintroduce the time limit. Please contact your Regional Office representative with any questions.

Sincerely,

DocuSigned by:

A handwritten signature in black ink that reads "Arpan Dasgupta".

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Arpan Dasgupta
Chief
Certification Policy Branch
Program Development Division

Enclosure

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Able-Bodied Adults Without Dependents (ABAWD) Waiver Response

- 1. Request Type:** Initial
- 2. Statutory Citation:** Section 6(o) of the Food and Nutrition Act of 2008
- 3. Regulatory Citation:** 7 CFR 273.24
- 4. State:** Montana
- 5. Food and Nutrition Service (FNS) Region:** Mountain Plains
- 6. Requirement:** Section 6(o) of the Food and Nutrition Act of 2008 and regulations at 7 CFR 273.24 provide that no individual 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. Section 6(o) and 7 CFR 273.24 also provide that, upon the request of the State agency, the Secretary may waive the applicability of the 3-month ABAWD time limit 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. Requested Area(s) and Support:** The State agency requested to waive the ABAWD time limit throughout the State from March 1, 2021, to February 28, 2022. The State agency supported its request based upon the State's eligibility for extended unemployment benefits, a criterion for statewide waiver approval provided by SNAP regulations at 7 CFR 273.24. According to the Department of Labor Trigger Notice No. 2020-16, effective May 3, 2020, the State qualified for extended unemployment benefits.
- 8. FNS Action and Justification:** FNS is approving the State agency's request to waive the ABAWD time limit. The State agency's request meets the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance.
- 9. Authority:** The waiver is approved pursuant to section 6(o) of the Food and Nutrition Act of 2008 and 7 CFR 273.24(f).
- 10. Implementation Date:** March 1, 2021
- 11. Expiration Date:** February 28, 2022
- 12. Information Required for Amendment or Extension:** To receive an amendment or extension the State agency must provide FNS with a formal request supported by data or other information as described in 7 CFR 273.24(f). Any request based upon unemployment rates must include data spreadsheets and supporting documentation.
- 13. State Agency Contact Information:**

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Phone: (406) 329-1247
Email: sjenewein@mt.gov
- 14. FNS Regional Office Contact Information:**

Name: Sonja Jefferson
Phone Number: (303) 844-6283
Email: sonja.jefferson@usda.gov