

September 30, 2010

970125

SUBJECT: SNAP – North Dakota Request to Waive Work Requirements for
Able-Bodied Adults without Dependents (ABAWDs) - 7 CFR
273.24 – Extension & Modification – Approval

TO: Jody Cornwell
Regional Director
Supplemental Nutrition Assistance Program
Mountain Plains Region

This is in response to your September 21, 2010 memorandum forwarding the North Dakota State Agency's request for an extension and modification of waiver #970125 to exempt able-bodied adults without dependents (ABAWDs) in certain areas from the Supplemental Nutrition Assistance Program (SNAP) work provisions at 7 CFR 273.24.

North Dakota requests an extension and modification of this waiver to exempt ABAWDs residing in the following counties from SNAP work requirements: Benson, Eddy, Emmons, Kidder, McHenry, Pierce, Rolette, Sheridan, Sioux and Towner. These counties qualify for a waiver of the ABAWD work provisions based on the area's average unemployment rate, which is at least 20 percent above the national average for the 24-month time period of January 2007 through December 2008.

Based on the data provided and as recommended by the Mountain Plains Regional Office, Food and Nutrition Service (FNS) is approving North Dakota's waiver request for a one-year period, effective October 1, 2010 through September 30, 2011.

If you have any questions, please contact Stephanie Davis at
Stephanie.davis@fns.usda.gov or (703) 305-2437.

Sincerely,

/s/

Angela Kline
Chief
Certification Policy Branch
Program Development Division

WAIVER RESPONSE

1. **Waiver Serial Number:** 970125
2. **Type of Request:** Extension & Modification
3. **Primary regulation citation:** 7 CFR 273.24
4. **State:** North Dakota
5. **Region:** Mountain Plains
6. **Regulatory Requirement:** Federal Regulations at 7 CFR 273.24 provide that no individual shall be eligible to participate in SNAP as a member of any household if the individual received SNAP benefits for more than 3 months during any 3 year period in which the individual was subject to, but did not comply with the program's work requirement. Regulations at 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.

7 CFR 273.24(f) also provides that, upon the request of a State Agency, FNS may waive the applicability of the abovementioned provision for any group of individuals in the State if it is determined 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 North Dakota State agency is requesting a waiver to exempt the ABAWD population residing in the following 10 counties from the work requirements of 7 CFR 273.24, based on high unemployment: Benson, Eddy, Emmons, Kidder, McHenry, Pierce, Rolette, Sheridan, Sioux and Towner. To support its claim of high unemployment, the table below shows the area's combined regional unemployment rate for the 24-month period of January 2007 through December 2008.

Combined Regions:	
County	Unemployment Rate, Jan 2007 – Dec 2008
Sub-Region of Region 2	
McHenry County	5.1
Pierce County	4.4
Sub-Region of Region 3	
Benson County	6.5

Eddy County	5.5
Rolette County	9.3
Towner County	3.6
Sub-Region of Region 7	
Emmons County	5.0
Kidder County	4.5
Sheridan County	4.6
Sioux County	5.9
Total for Combined Regions	6.3

8. **Action and reason for approval or denial:** FNS is approving North Dakota's request based on the data provided, which shows that the aggregate average unemployment rate for the 10 counties subject to the waiver was 6.3 percent, more than 20 percent above the national average during the 24-month period of January 2007 to December 2008, when the national average unemployment rate plus 20 percent was 6.2 percent.
9. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24(f), which allows FNS to waive the applicability of the work requirement provision for any group of individuals in the State if it is determined that the area in which the individuals reside has insufficient jobs.
10. **Conditions and reasons:** None.
11. **Information required for extension:** To receive an extension, the State agency must submit supporting unemployment data that relies on standard Bureau of Labor Statistics data and/or methods indicating an unemployment rate of over 10 percent or a lack of sufficient jobs.
12. **Expiration date:** This waiver is approved for one year, effective October 1, 2010 through September 30, 2011.
13. **Limitation, if any, on regional office approval of like requests:** Approval of this waiver is limited to the North Dakota State agency.
14. **Quality control procedures:** None.
15. **Date of national office action:** September 29, 2010
16. **Date of State agency's request:** September 20, 2010
17. **Date of regional office transmittal of request:** September 21, 2010
18. **Date of regional office transmittal of response to State agency:**
19. **Actual implementation date:**