



United States
Department of
Agriculture

SEP 09 2011

Food and
Nutrition
Service

3101 Park
Center Drive

Alexandria, VA
22302-1500

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: Joe Casey
Acting Regional Director
Supplemental Nutrition Assistance Program
Mountain Plains Region

This is in response to your e-mail of July 28, 2011, and memorandum submitting the North Dakota State Agency's request to continue 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 modified its request to include only the counties of Pierce and Rolette, as the areas previously approved no longer meet the requirements of the waiver. The State agency combined the two counties into one area and provided supportive data that the area had an unemployment rate of 20 percent above the national average for the 24-month period of January 2008 through December 2009.

Based on the data provided, the Food and Nutrition Service (FNS) is approving North Dakota's waiver request for a one-year period, effective October 1, 2011 through September 30, 2012.

If you have any questions, please contact Vicky Robinson at vicky.robinson@fns.usda.gov.

Sincerely,

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 such as having an unemployment rate of 20 percent above the national average for the same 24-month period.

7. **Description of proposed alternative procedures:** The North Dakota State agency has requested to exempt the ABAWD population residing in Pierce and Rolette Counties from the work requirements of 7 CFR 273.24 based on high unemployment.

To support its claim of high unemployment, the State agency combined the two counties into one area and provided supportive data that the area had an unemployment rate (UER) of 20 percent above the national average of 7.5 percent for the 24-month period of January 2008 through December 2009 as follows:

Combined Region: 24-month period of January 2008 through December 2009			
	Total Labor Force	Total Unemployed	Average UER
Region 2: Pierce County	45,713	2,220	4.9
Region 3: Rolette County	119,031		10.6
Total	164,744	14,893	9.0
National Average	3,701,144,000	278,266,000	7.5

8. **Action and reason for approval or denial:** FNS is approving North Dakota's request to exempt ABAWDs residing in Pierce and Rolette counties from SNAP work requirement provisions based on high unemployment.
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, 2011 through September 30, 2012.
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:** Not applicable.
15. **Date of national office action:** September 6, 2011
16. **Date of State agency's request:** July 15, 2011
17. **Date of regional office transmittal of request:** July 28, 2011
18. **Date of regional office transmittal of response to State agency:**
19. **Actual implementation date:**