



SEP 19 2012

United States
Department of
Agriculture

Food and
Nutrition
Service

3101 Park
Center Drive

Alexandria, VA
22302-1500

Ms. Arlene Dura
SNAP Director
North Dakota Department of Human Services
State Capitol Building
600 E. Boulevard Ave., Dept. 325
Bismarck, North Dakota 58505-0250

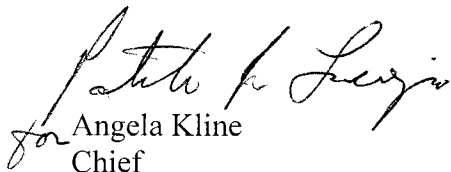
Dear Ms. Dura:

RE: SNAP – North Dakota Modification and Extension of Able-Bodied Adults without Dependents (ABAWD) Waiver for FY 2013

This is in response to the North Dakota Department of Human Services request to extend and modify waiver #970125 to exempt ABAWDs in certain areas of the State from Supplemental Nutrition Assistance Program (SNAP) time limits at 7 CFR 273.24.

The North Dakota State agency has proposed to exempt ABAWDs residing in Pierce and Rolette counties based on a recent three-month average unemployment rate that exceeds 10 percent. Food and Nutrition Service (FNS) found that the unemployment rate for these two adjacent counties was 11 percent for the three month period noted in the State's request, January through March of 2012.

Based upon a review of the data provided, FNS is approving this waiver for a 1-year period, effective October 1, 2012 through September 30, 2013. Our detailed response is attached. If you have any questions, please contact Stephanie Davis at Stephanie.Davis@fns.usda.gov.



for Angela Kline
Chief
Certification Policy Branch
Program Development Division

Attachment

WAIVER RESPONSE

1. **Waiver Serial Number:** 970125
2. **Type of Request:** Extension and Modification
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:** N/A
5. **State:** North Dakota
6. **Region:** Mountain Plains
7. **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, during the preceding 36-month period, the individual received program benefits for more than three months during any three year period in which the individual was subject to, but did not comply with the SNAP work requirements. 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 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.
8. **Description of proposed alternative procedures:** The North Dakota State agency proposes to extend and modify this waiver to exempt individuals who reside in Pierce and Rolette counties from ABAWD time limits for Fiscal Year 2013 based upon a three-month average unemployment rate that exceeds 10 percent. The average unemployment rate for the two county area for the three months listed in the States waiver request, January, February and March 2012, was 11 percent.
9. **Action and reason for approval or denial:** Due to an average unemployment rate over 10 percent from January through March 2012 for the Pierce and Rolette counties, FNS is approving this waiver request. The data submitted by the State agency meets the requirements of approval pursuant to 7 CFR 273.24(f)(3) and relevant FNS guidance.

10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24(f)(3)(i),(ii) and (iii).
11. **Conditions and reasons:** None.
12. **Information required for extension:** To receive an extension the State agency must provide data or other information as described in 273.24(f)(2) and (f)(3). If the State agency wishes to receive an extension based on unemployment rates, they must provide FNS with all supporting documentation, including spreadsheets in digital form.
13. **Expiration date:** This waiver is effective beginning October 1, 2012 and will expire on September 30, 2013.
14. **Limitation, if any, on regional office approval of like requests:** This waiver is limited to the North Dakota Department of Human Services.
15. **Quality control procedures:** None.
16. **Date of national office action:** **SEP 13 2012**
17. **Date of State agency's request:** August 8, 2012
18. **Date of regional office transmittal of request:** August 13, 2012
20. **Actual implementation date:**