



United States Department of Agriculture

Food and
Nutrition
Service

Park
Office
Center

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Center
Drive

Alexandria
VA, 22302

August 10, 2018

Michele Gee
Public Assistance Director
North Dakota Department of Human Services
600 East Boulevard Avenue
Department 325
Bismarck, North Dakota 58505-0250

**RE: SNAP – North Dakota Request to Waive Able-Bodied Adults Without Dependents
Time Limit – Approval**

Dear Ms. Gee:

This is in response to the North Dakota State agency's request to waive the Supplemental Nutrition Assistance Program (SNAP) time limit for able-bodied adults without dependents in nine counties from October 1, 2018, through September 30, 2019.

The State agency's request meets the requirements for approval provided at 7 CFR 273.24(f) and relevant Food and Nutrition Service (FNS) guidance. Therefore, FNS is approving North Dakota to waive the time limit for the nine counties for the requested 12-month period. The approval amends and extends waiver number 970125. The attached waiver response includes the approved areas, the supporting evidence used, and the conditions of approval. If you have any questions, please contact Kathie Herrman at Kathie.Herrman@fns.usda.gov or Phil Fraley at Philip.Fraley@fns.usda.gov.

FNS is reviewing its policies regarding ABAWD time limit waivers. Moving forward, FNS will be taking actions to support the Administration's priority to provide able-bodied Americans a path to self-sufficiency. This goal requires that we establish a clear and mutual commitment to moving SNAP participants to meaningful employment.

Sincerely,

Sasha Gersten-Paal

Chief
Certification Policy Branch
Program Development Division

Enclosure

WAIVER RESPONSE

1. **Wavier serial number:** 970125
2. **Type of request:** Amendment and extension
3. **Statutory citation:** Section 6(o) of the Food and Nutrition Act of 2008, as amended
4. **Regulatory Citation:** 7 CFR 273.24
5. **State:** North Dakota
6. **Region:** Mountain Plains
7. **Regulatory Requirement:** Section 6(o) of the Food and Nutrition Act of 2008, as amended, and 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. 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.
8. **Proposed alternative procedures:** The North Dakota State agency has requested to waive the ABAWD time limit in nine contiguous counties from October 1, 2018, through September 30, 2019. The State agency has supported its request based upon the nine county combined area having an aggregate average unemployment rate 20 percent above the national average for the 24-month period of March 2016 through February 2018. During this time period the national average unemployment rate was 4.5 percent; 20 percent above that rate is 5.4 percent. As detailed in the following table, the nine county combined area's aggregate unemployment rate for the selected time period was 5.4 percent.

Bureau of Labor Statistics Local Area Unemployment Data March 2016 – February 2018*	
Counties	
Benson	
Bottineau	
Eddy	
Emmons	
Kidder	
Pierce	
Rolette	
Sheridan	
Wells	
Unemployment Rate: 5.4%	

*Data extracted from <http://www.bls.gov> on May 15, 2018.

- 9. Action and reason for approval or denial:** The Food and Nutrition Service (FNS) is approving the North Dakota State agency's request to waive the ABAWD time limit in the nine counties because the counties meet the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance.
- 10. Regulatory or legislative basis for action:** The waiver is approved pursuant to section 6(o) of the Food and Nutrition Act of 2008, as amended and 7 CFR 273.24(f).
- 11. Information required for an 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 as supporting documentation.
- 12. Implementation date and expiration date:** The waiver is effective October 1, 2018, through September 30, 2019.
- 13. Limitation, if any, on Regional Office approval of like requests:** The waiver is limited to the North Dakota State agency.
- 14. Date of State agency's request:** May 1, 2018
- 15. Date of Regional Office transmittal of request:** May 7, 2018
- 16. State agency contact:**
Melissa Karabensh
(701) 328-1832
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- 17. FNS Regional contact:**
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