



United States Department of Agriculture

AUG 19 2015

Food and
Nutrition
Service

Park Office
Center

3101 Park
Center Drive
Alexandria
VA 22302

Ms. Marilyn Martinez
Income Support Division Director
New Mexico Human Services Department
PO Box 2348
Santa Fe, New Mexico 87504

RE: SNAP – New Mexico Request to Waive Able-bodied Adults without
Dependents Time Limit - Extension - Approval

Dear Ms. Martinez:

This is in response to the New Mexico Human Services Department's request for an extension of its waiver to exempt able-bodied adults without dependents (ABAWD) throughout the State from the Supplemental Nutrition Assistance Program (SNAP) time limit at 7 CFR 273.24.

The New Mexico State agency has requested an extension of its current statewide waiver of the ABAWD time limit. New Mexico's current waiver is effective through September 30, 2015. New Mexico has supported its extension request based upon the State's qualification for extended unemployment benefits, a criterion for waiver approval provided by SNAP regulations at 7 CFR 273.24. The State has provided a copy of the Department of Labor's Emergency Unemployment Compensation (EUC) trigger notice 2013-49, effective December 22, 2013, showing that New Mexico qualified for EUC, an extended unemployment benefit program. Following longstanding Food and Nutrition Service (FNS) policy, States can qualify for a 12-month Statewide waiver for up to 12 months after the trigger date. Based upon EUC trigger notice 2013-49, New Mexico is eligible for a Statewide ABAWD time limit waiver from December 2014 through December 2015, which would extend the State's current ABAWD time limit waiver by 3 months.

FNS is approving New Mexico's request to extend its waiver of the ABAWD time limit by 3 months, from October 1, 2015 through December 31, 2015. Please note that FNS has assigned waiver number 2150079 to this extension approval for tracking purposes. The detailed waiver response is attached. If you have any questions, please contact Anne Snell at (214) 290-9931 or Anne.Snell@fns.usda.gov.

Sincerely,

Sasha Gersten-Paal
Chief
Certification Policy Branch
Program Development Division

Attachment

An Equal Opportunity Provider and Employer

WAIVER RESPONSE

1. **Waiver Serial Number:** 2150079
2. **Type of Request:** Extension
3. **Primary regulation citation:** 7 CFR 273.24
4. **State:** New Mexico
5. **Region:** Southwest
6. **Regulatory Requirement:** Federal 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. Regulations at 7 CFR 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.

Under SNAP regulations at 7 CFR 273.24(f)(2)(ii), a State can qualify for a 12-month statewide waiver of the ABAWD time limit if the Department of Labor's Unemployment Insurance Service determines that the State qualifies for extended unemployment benefits. The Food and Nutrition Service (FNS) can approve a waiver if the State qualifies for extended benefits, regardless of whether the State has elected the option to offer the benefit itself. States that meet the extended benefit criteria can qualify for a 12-month statewide ABAWD waiver up to 12 months after the trigger date.

7. **Description of proposed alternative procedures:** The State of New Mexico is requesting to waive the ABAWD time limit at 7 CFR 273.24 from October 1, 2015 through December 31, 2015.
8. **Action and reason for approval or denial:** FNS is approving the New Mexico State agency's request to waive the ABAWD time limit because the State meets the requirements for approval provided at 7 CFR 273.24(f)(2)(ii). New Mexico qualified for extended unemployment benefits through the Department of Labor's Emergency Unemployment Compensation (EUC) trigger notice 2013-49, effective December 22, 2013.
9. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24(f)(1)(ii).

10. **Conditions and reasons:** None.
11. **Information required for extension:** To receive an extension the State agency must provide FNS with a formal waiver request supported by data or other information as described in 7 CFR 273.24(f). If the State requests extension based upon unemployment rates, it must provide FNS with all supporting documentation, including data spreadsheets.
12. **Expiration date:** This waiver extension is effective October 1, 2015 through December 31, 2015.
13. **Limitation, if any, on regional office approval of like requests:** This waiver is limited to the New Mexico Human Services Department.
14. **Date of national office action:** AUG 19 2015
15. **Date of State agency's request:** August 13, 2015
16. **Date of regional office transmittal of request:** August 14, 2015
17. **Implementation date (notify FNS if actual date differs):** October 1, 2015
18. **State agency contact:**
Samuel Peinado
Samuel.Peinado@state.nm.us
(505) 827-7219
19. **FNS regional contact:**
Anne Snell
Anne.Snell@fns.usda.gov
(214) 290-9931