



Food and
Nutrition
Service

Park Office
Center

3101 Park
Center Drive
Alexandria
VA 22302

MAR 31 2016

Ms. Marilyn Martinez
Director
Income Support Division
P.O. Box 2348
Santa Fe, New Mexico 87504

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

Dear Ms. Martinez:

This is in response to the New Mexico Human Services Department's request to waive the Supplemental Nutrition Assistance Program (SNAP) time limit for able-bodied adults without dependents throughout the State of New Mexico.

The New Mexico State agency has supported its request based upon the State's eligibility 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 Department of Labor Trigger notice 2015-49, effective December 20, 2015, showing that New Mexico qualified for extended unemployment benefits. 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.

FNS is approving New Mexico's request to waive the time limit statewide effective March 1, 2016, through December 31, 2016. Although the State agency requested the waiver be made effective January 1, 2016, FNS is approving the waiver effective March 1, 2016, the same month in which it was requested. FNS stands ready to provide additional technical assistance on ABAWD related issues as requested by the State. For tracking purposes, FNS is issuing this approval under waiver number 2160027. If you have any questions or for technical assistance, please contact Arianne Steed at Arianne.Steed@fns.usda.gov.

Sincerely,

Sasha Gersten-Paal
Chief
Certification Policy Branch
Program Development Division

Attachment

WAIVER RESPONSE

1. **Waiver Serial Number:** 2160027
2. **Type of Request:** Initial
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 at least 20 hours per week; any combination of working and participating in a work program for a total of 20 hours per week; or participating in and complying with a workfare program.

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 New Mexico Human Services Department has requested to waive the ABAWD time limit throughout the State of New Mexico from January 1, 2016 through December 31, 2016. The New Mexico State agency has supported its request based upon the State's eligibility 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 Department of Labor Trigger notice 2015-49, effective December 20, 2015, showing that New Mexico qualified for extended unemployment benefits.

8. **Action and reason for approval or denial:** The Food and Nutrition Service (FNS) is approving the New Mexico State agency's request to waive the ABAWD time limit statewide because the State meets the requirements for approval provided at 7 CFR 273.24(f)(2)(ii) and relevant guidance. Although the State agency requested the waiver be made effective January 1, 2016, FNS is approving the waiver effective March 1, 2016, the same month in which it was requested.
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. **Implementation date and Expiration date:** The waiver is effective March 1, 2016, through December 31, 2016.
13. **Limitation, if any, on regional office approval of like requests:** This waiver is limited to the New Mexico State agency.
14. **Date of national office action:** **MAR 31 2016**
15. **Date of State agency's request:** March 31, 2016
16. **Date of regional office transmittal of request:** March 31, 2016
17. **State agency contact:**
Samuel Peinado
(505) 827-7219
Samuel.Peinado@state.nm.us
18. **FNS regional contact:**
Arianne Steed
(214) 290-9868
Arianne.Steed@fns.usda.gov