

From: [Dasgupta, Arpan - FNS](#)
To: [SNAPCPBWaivers](#)
Subject: FW: Waiver # 990047 - South Dakota Request to Modify ABAWD Waiver
Date: Monday, November 19, 2018 5:14:33 PM
Attachments: [image001.jpg](#)

From: SNAPCPBWaivers

Sent: Monday, November 19, 2018 5:11 PM

To: 'Alex.Mayer@state.sd.us' <Alex.Mayer@state.sd.us>

Cc: Fraley, Philip - FNS <philip.fraley@fns.usda.gov>; Herrman, Kathie - FNS <Kathie.Herrman@fns.usda.gov>; Gersten-Paal, Sasha - FNS <Sasha.Gersten-Paal@fns.usda.gov>; McConnell, Casey - FNS <casey.mcconnell@fns.usda.gov>; Patrie, Miles - FNS <Miles.Patrie@fns.usda.gov>

Subject: RE: Waiver # 990047 - South Dakota Request to Modify ABAWD Waiver

Thank you for informing FNS of South Dakota's modification to ABAWD waiver 990047, which FNS approved on September 5, 2018 to waive the ABAWD time limit in 23 counties and 8 reservation areas from October 1, 2018, through September 30, 2019, as requested by the State. The State has now informed FNS that it plans to modify its waiver by removing 21 counties from the waiver. The State would continue to apply the September 5, 2018, waiver approval in 2 counties (Corson County and Dewey County) and all 8 of the reservation areas through September 30, 2019. The State has discretion to modify the waiver to reduce the number of waived areas as described, and the State can therefore proceed in doing so.

We understand through conversations with our Mountain Plains Regional Office that the State has not been implementing the waiver in the 21 counties it wishes to remove from the waiver since October 1, 2018, but only informed FNS on October 23, 2018. Going forward, the State must make sure it does the following:

- Make sure its request is accurate and includes only the counties and reservation areas in which it actually plans to apply the waiver.
- Apply the waiver consistent with the FNS waiver approval (if granted).
- After receiving approval, the State may later choose to reduce the number of waived areas—but the State must inform FNS of its plan to do so, including where and when, prior to making such a change. FNS does not generally allow retroactive approval or modifications of waivers.

If you have any questions, please do not hesitate your regional FNS contact.

From: Mayer, Alex <Alex.Mayer@state.sd.us>
Sent: Friday, October 19, 2018 2:00 PM
To: Fraley, Philip - FNS <philip.fraley@fns.usda.gov>
Cc: Herrman, Kathie - FNS <Kathie.Herrman@fns.usda.gov>
Subject: South Dakota Amended ABAWD Waiver

Good afternoon,

I hope this finds you well ahead of the weekend. Please find the attached amended ABAWD waiver

for FNS approval with supporting documentation.

If there are any questions or issues with the attachments, please let me know.

Kind Regards,

Alex Mayer

Program Administrator

Division of Economic Assistance

SD Department of Social Services

700 Governors Drive, Pierre, SD 57501

605.773.4678 | www.dss.sd.gov

Email: Alex.Mayer@state.sd.us



Confidentiality Notice

This message is being sent by or on behalf of the South Dakota Department of Social Services. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, attorney-client privileged, confidential, or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by telephone at (605) 773-4538 or by reply transmission by e-mail, and delete all copies of the message.

Non-Discrimination

The Department of Social Services does not exclude, deny benefits to, or otherwise discriminate against any person on the basis of actual or perceived race, color, religion, national origin, sex, age, gender identity, sexual orientation or disability in admission or access to, or treatment or employment in its programs, activities, or services. For more information about this policy or to file a Discrimination Complaint you may contact: Discrimination Coordinator, Director of DSS Division of Legal Services, 700 Governor's Drive, Pierre SD 57501, 605-773-3305.



Food and
Nutrition
Service

Park
Office
Center

3101 Park
Center
Drive

Alexandria
VA, 22302

Date: September 5, 2018

Virginia Hanson
Division of Economic Assistance
South Dakota Department of Social Services
700 Governors Drive
Pierre, South Dakota 57501-2291

Supplemental Nutrition Assistance Program (SNAP) – South Dakota Request to Waive Able-Bodied Adults Without Dependents Time Limit – Approval

Dear Ms. Hanson:

This is in response to the South Dakota State agency's July 17, 2018, request to waive the SNAP time limit for able-bodied adults without dependents in 23 counties and 8 reservation areas 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 the State to waive the time limit in the area for a 12-month period, as requested. The attached waiver response includes the approved area, the supporting evidence used, and the conditions of approval. Please contact your FNS Regional Office with any questions.

FNS is reviewing its policies regarding waivers of the SNAP time limit for able-bodied adults without dependents. 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

Able-Bodied Adults Without Dependents (ABAWD) Waiver Response

1. **Serial Number:** 990047
2. **Request Type:** Extension and amendment
3. **Statutory Citation:** Section 6(o) of the Food and Nutrition Act of 2008
4. **Regulatory Citation:** 7 CFR 273.24
5. **State:** South Dakota
6. **Food and Nutrition Service (FNS) Region:** Mountain Plains
7. **Requirement:** Section 6(o) of the Food and Nutrition Act of 2008 and regulations at 7 CFR 273.24 provide that no individual 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. **Requested Area(s) and Support:** The South Dakota State agency has requested to waive the ABAWD time limit in 23 contiguous counties and 8 reservation areas from October 1, 2018, through September 30, 2019. The State agency has considered the 23 counties as one combined area and 7 of the reservation areas individually. The State has supported its request based upon the areas having average unemployment rates at least 20 percent above the national average for the 24-month period of June 2016 through May 2018. During this time period the national average unemployment rate was 4.4 percent; 20 percent above that rate is 5.3 percent. As listed in the following tables, the requested areas' average unemployment rates for the selected time period were at least 5.3 percent.

Table 1: Combined Area (Bureau of Labor Statistics Local Area Unemployment Data June 2016 through May 2018)

Counties
1. Bennett
2. Brule
3. Buffalo
4. Campbell
5. Corson
6. Custer
7. Dewey

8. Fall River
9. Gregory
10. Hyde
11. Jackson
12. Jerauld
13. Jones
14. Lyman
15. McPherson
16. Mellette
17. Oglala Lakota
18. Potter
19. Stanley
20. Sully
21. Todd
22. Walworth
23. Ziebach
Combined Area Unemployment Rate: 5.3%
Based on data extracted from http://www.bls.gov on August 7, 2018.

Table 2: Reservation Areas (American Community Survey and Bureau of Labor Statistics Data June 2016 through May 2018)

Reservation Areas	Unemployment Rate
1. Cheyenne River Reservation	8.4%
2. Crow Creek Reservation	12.0%
3. Flandreau Reservation	8.0%
4. Lake Traverse Reservation	6.7%
5. Lower Brule Reservation and Off-Reservation Trust Land	12.4%
6. Pine Ridge Reservation	9.7%
7. Rosebud Indian Reservation and Off-Reservation Trust Land	7.4%
Based on data extracted from http://www.bls.gov and http://factfinder.census.gov on August 7, 2018.	

The State has also requested to waive the time limit in the Yankton Reservation based upon its low and declining employment-to-population ratio over the 2014 to 2017 time period. Yankton Reservation's employment-to-population ratio was almost 10 percentage points below the national average in the final year of the reference period, and showed a decline each year over the reference period.

Employment to Population Ratio				
Geography	2014	2015	2016	2017
Yankton Reservation	52.9%	52.5%	51.0%	50.3%
United States	59.0%	59.3%	59.7%	60.1%
Based on data retrieved from the Bureau of Labor Statistics, the U.S. Census Bureau Population Estimates, and the American Community Survey on August 9, 2018.				

- 9. FNS Action and Justification:** FNS is approving the State agency to waive the ABAWD time limit as requested. The State agency's request meets the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance.
- 10. Authority:** The waiver is approved pursuant to section 6(o) of the Food and Nutrition Act of 2008 and 7 CFR 273.24(f).
- 11. Implementation Date:** October 1, 2018
- 12. Expiration Date:** September 30, 2019
- 13. Information Required for Amendment or 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 and supporting documentation.
- 14. State Agency Contact Information:**
 Name: Virginia Hanson
 Phone Number: (605) 773-4719
 Email: Virginia.Hanson@state.sd.us
- 15. FNS Regional Office Contact Information:**
 Name: Kathie Herrman
 Phone Number: (303) 438-9780
 Email: Kathie.herrman@fns.usda.gov