



United States Department of Agriculture

Food and Nutrition
Service

November 12, 2021

1320 Braddock Place
Alexandria VA,
22314

Kimberley Causey-Gomez
Commissioner
Department of Human Services
1303 Hospital Ground, Suite 1
St. Thomas, U.S. Virgin Islands 00802

Supplemental Nutrition Assistance Program (SNAP) – Virgin Islands Request to Waive Able-Bodied Adults Without Dependents (ABAWDs) Time Limit – Initial – Approval

Dear Commissioner Causey-Gomez:

This is in response to the U.S. Virgin Islands Department of Human Services' November 4, 2021, request to waive the SNAP time limit for able-bodied adults without dependents (ABAWDs). The attached waiver response includes the approved areas, the supporting evidence used, and the conditions of approval.

A vacatur rule, [published on June 30, 2021](#), returned the regulations governing ABAWD waivers and discretionary exemptions to the previous waiver criteria published in the January 17, 2001, final rule, [Food Stamp Program: Personal Responsibility Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996](#) (66 FR 4438), as the basis for any waiver approvals going forward. The current regulations are available at [Electronic Code of Federal Regulations \(eCFR\) website](#).

Food and Nutrition Service also reminds the State agency that it must measure the 3-year period and track ABAWDs on a continuous basis, even in areas under a waiver. The State must continue tracking so that the State will be ready to transition off the waiver when it expires and reintroduce the time limit. Please contact your Regional Office representative with any questions.

Sincerely,

DocuSigned by:
A handwritten signature in black ink that reads "Arpan Dasgupta".
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11/12/2021

Arpan Dasgupta
Chief
Certification Policy Branch
Program Development Division

Enclosure

Enclosure

Able-Bodied Adults Without Dependents (ABAWD) Waiver Response

1. **Request Type:** Initial
2. **Statutory Citation:** Section 6(o) of the Food and Nutrition Act of 2008
3. **Regulatory Citation:** 7 CFR 273.24
4. **State:** Virgin Islands
5. **Food and Nutrition Service (FNS) Region:** Northeast
6. **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.
7. **Requested Area(s) and Support:** The State agency requested to waive the ABAWD time limit throughout the State from January 1, 2022 to December 31, 2022. The State agency supported its request based upon the State's eligibility for extended unemployment benefits, a criterion for statewide waiver approval provided by SNAP regulations at 7 CFR 273.24. According to the Department of Labor Trigger Notice No. 2020 – 51, effective January 3, 2021 the State qualified for extended unemployment benefits.¹
8. **FNS Action and Justification:** FNS is approving the State agency's request to waive the ABAWD time limit. The State agency's request meets the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance.
9. **Authority:** The waiver is approved pursuant to section 6(o) of the Food and Nutrition Act of 2008 and 7 CFR 273.24(f).
10. **Implementation Date:** January 1, 2022
11. **Expiration Date:** December 31, 2022
12. **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.

¹ Extended Benefits Trigger Notices can be found at https://oui.doleta.gov/unemploy/claims_arch.asp. Trigger notice 2020-51 was issued the week of January 3, 2021.

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