



DEC 24 2014

Food and
Nutrition
Service

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Center

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Ms. Shawn Smith
FoodShare Director
Wisconsin Department of Health Services
1 W. Wilson St.
P.O. Box 309
Madison, Wisconsin 53701-0309

RE: SNAP – Wisconsin Request to Waive Able-bodied Adults without
Dependents Time Limit – Extension and Modification – Approval
(CORRECTED)

Dear Ms. Smith:

This is in response to the Wisconsin Department of Health Services' request to extend and modify its waiver of the Supplemental Nutrition Assistance Program time limit for able-bodied adults without dependents (ABAWD) at 7 CFR 273.24.

Wisconsin's current waiver of the ABAWD time limit is effective through September 30, 2015. Wisconsin has supported its extension request based upon the State's qualification for extended unemployment benefits, a criterion for approval provided by SNAP regulations at 7 CFR 273.24. The State has provided a copy the Department of Labor's Emergency Unemployment Compensation (EUC) trigger notice 2013-49, effective December 22, 2013, showing that Wisconsin 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, Wisconsin is eligible for a Statewide ABAWD time limit waiver from December 2014 through December 2015, which would extend the State's current waiver by 3 months.

Wisconsin has also requested a waiver modification that would facilitate a gradual phase-in of the ABAWD time limit. Under the waiver modification, the State would begin applying the time limit for ABAWDs at certification for new applicants or at recertification for current recipients. Therefore, the waiver modification is based on the recipient's certification period rather than the recipient's geographic area.

The requested waiver modification would allow Wisconsin to phase-in the ABAWD time limit without needing to use 15 percent exemptions to exempt individual cases. The State has requested to implement the waiver modification first in Kenosha, Racine, and Walworth Counties, effective December 1, 2014.¹

¹ On July 1, 2014, the State began this process in a small pilot region composed of Kenosha, Racine, and Walworth Counties. In these three pilot counties, the State has been exempting ABAWDs certified prior to July 1, 2014 from the time limit until their next recertification date, while applying the time limit to ABAWDs certified on or after July 1, 2014 immediately. The State will be using 15 percent exemptions to cover these cases. Wisconsin continues to waive the time limit for all ABAWDs in the rest of the State.

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In these three pilot counties, the State would waive the time limit for ABAWDs certified prior to July 1, 2014, until their subsequent recertification date. At that time, the State would evaluate household circumstances and apply the time limit to ABAWDs who are not exempt or meeting ABAWD work requirements. The State would apply the time limit immediately to all non-exempt ABAWDs certified on or after July 1, 2014; the ABAWD time limit would not be waived for these individuals. On April 1, 2015, Wisconsin would expand the waiver modification and implement Statewide. Similarly, the State would continue to waive the time limit for ABAWDs certified prior to *April 1, 2015*², until their next recertification date, while applying the time limit immediately to all non-exempt ABAWDs certified on or after *April 1, 2015*.

FNS is approving Wisconsin's request to extend its ABAWD time limit waiver through December 31, 2015. After careful review, FNS is also approving Wisconsin's request to modify its waiver as outlined above and detailed in the attached waiver approval, effective December 1, 2014. The waiver modification approval is contingent upon Wisconsin's eligibility for a Statewide ABAWD time limit waiver. When Wisconsin's waiver expires, the State must apply the ABAWD time limit immediately to all non-exempt ABAWDs.

Please note that this extension and modification approval has been assigned waiver number 2150017 to for tracking purposes. If you have any questions, please contact Sheena Panoor at Sheena.Panoor@fns.usda.gov.



Sasha Gersten-Paal
Chief
Certification Policy Branch
Program Development Division

Attachment

² All corrections are italicized.

WAIVER RESPONSE

1. **Waiver Serial Number:** 2150017
2. **Type of Request:** Extension and Modification
3. **Primary regulation citation:** 7 CFR 273.24
4. **State:** Wisconsin
5. **Region:** Midwest
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 requirements. 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 Wisconsin has requested to extend its waiver of the ABAWD time limit at 7 CFR 273.24 from October 1, 2015 through December 31, 2015. Wisconsin has also requested to modify its waiver of the ABAWD time limit, effective December 1, 2014. As provided by the State, the modification would involve the following alternative procedures:

Wisconsin FoodShare Employment and Training (FSET) Pilot Region: Effective December 1, 2014, Wisconsin plans to apply the ABAWD waiver to non-exempt ABAWDs in its FSET Pilot Region (Kenosha, Racine, and Walworth Counties) with an active certification period (ongoing ABAWDs) as of July 1, 2014 and whose recertification date has not occurred as of the December 1, 2014 waiver implementation date. The waiver will be applied to these individuals until their next recertification date. All households in the Pilot region will have reached their recertification date by June 30, 2015, at which time the waiver will no longer apply to this region.

Balance of State: Wisconsin plans to continue applying the ABAWD waiver across the balance of the State through March 30, 2015. Effective April 1, 2015, Wisconsin plans to apply the time limit to all new applicants determined as Non-Exempt ABAWDs. For all non-exempt ABAWDs with an active certification period (ongoing ABAWDs) as of *April 1, 2015*, the State plans to apply the time limit at the next recertification date.

8. **Action and reason for approval or denial:** FNS is approving the Wisconsin State agency's request to extend its waiver of the ABAWD time limit because the State meets the requirements for approval provided at 7 CFR 273.24(f)(2)(ii). Wisconsin qualified for extended unemployment benefits through the Department of Labor's Emergency Unemployment Compensation (EUC) trigger notice 2013-49, effective December 22, 2013. Therefore, Wisconsin is eligible for a Statewide waiver of the ABAWD time limit through December 31, 2015.

FNS is also approving Wisconsin's waiver modification request, which will allow the State to voluntarily transition-off of the waiver and gradually begin applying the ABAWD time limit based upon the respective certification and recertification dates of individual ABAWDs, effective December 1, 2014. This approval is subject to the conditions in item 10.

9. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24(f)(1)(ii).
10. **Conditions and reasons:** Wisconsin will implement the waiver modification first in Kenosha, Racine, and Walworth Counties, effective December 1, 2014. In these three pilot counties, the State will waive the time limit for ABAWDs certified prior to July 1, 2014 until their subsequent recertification date. At that time, the State will evaluate

household circumstances and apply the time limit to ABAWDs who are not exempt or meeting ABAWD work requirements. The State will continue to apply the time limit immediately to all non-exempt ABAWDs certified on or after July 1, 2014; the ABAWD time limit will not be waived for these individuals.

Wisconsin will expand the waiver modification and implement Statewide on April 1, 2015. Outside of the three pilot counties, the State will continue to waive the time limit for ABAWDs certified prior to *April 1, 2015* until their subsequent recertification date. At that time, the State will evaluate household circumstances and apply the time limit to ABAWDs who are not exempt or meeting ABAWD work requirements. The State will apply the time limit immediately to all non-exempt ABAWDs certified on or after *April 1, 2015*; the ABAWD time limit will not be waived for these individuals.

The modified procedures described above are allowable because the State is eligible for a Statewide ABAWD time limit waiver. When the waiver expires, the State must apply the ABAWD time limit immediately to all non-exempt ABAWDs.

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:** The waiver extension and modification is effective from December 1, 2014 through December 31, 2015.
13. **Limitation, if any, on regional office approval of like requests:** This waiver is limited to the Wisconsin Department of Health Services.
14. **Date of national office action:** **DEC 24 2014**
15. **Date of State agency's request:** December 15, 2014
16. **Date of regional office transmittal of request:** December 15, 2014
17. **Implementation date (notify FNS if actual date differs):**
December 1, 2014

- 18. State agency contact:**
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