



United States Department of Agriculture

Food and
Nutrition
Service

Park Office
Center

3101 Park
Center Drive
Alexandria
VA 22302

JAN 05 2015

Nancy N. Exline
Commissioner
State of West Virginia
Department of Health and Human Resources
Bureau for Children and Families
350 Capitol Street, Room 730
Charleston, West Virginia 25301-3711

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

Dear Commissioner Exline:

This is in response to the West Virginia Department of Health and Human Resources' 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 West Virginia State agency has requested an extension of its current statewide waiver of the ABAWD time limit. West Virginia's current waiver is effective through September 30, 2015. West Virginia 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 West Virginia 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, West Virginia 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 West Virginia'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 2150031 to this extension approval for tracking purposes. The detailed waiver response is attached. If you have any questions, please contact Sally Jacober Brown at Sally.Jacob-Brown@fns.usda.gov.

Sasha Gersten-Paal
Chief
Certification Policy Branch
Program Development Division

Attachment

An Equal Opportunity Provider and Employer

WAIVER RESPONSE

1. **Waiver Serial Number:** 2150031
2. **Type of Request:** Extension
3. **Primary regulation citation:** 7 CFR 273.24
4. **State:** West Virginia
5. **Region:** Mid-Atlantic
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 West Virginia 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 West Virginia 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). West Virginia 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 West Virginia Department of Health and Human Resources.
14. **Date of national office action:** **JAN 05 2015**
15. **Date of State agency's request:** December 29, 2014
16. **Date of regional office transmittal of request:** December 29, 2014
17. **Implementation date (notify FNS if actual date differs):** October 1, 2015
18. **State agency contact:**
Suzanne Howard
Suzanne.R.Howard@wv.gov
(304) 356-4619
19. **FNS regional contact:**
Sally Jacober Brown
Sally.Jacob-Brown@fns.usda.gov
(609) 259-5132