



NOV 16 2015

United States
Department of
Agriculture

Food and
Nutrition
Service

3101 Park
Center Drive

Alexandria, VA
22302-1500

Nancy Exline
Commissioner

West Virginia Department of Health and Human Services
Bureau for Children and Families
350 Capitol Street, Room B-18
Charleston, West Virginia 25301-3705

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 to extend waiver number 2150031, which would allow West Virginia to exempt able-bodied adults without dependents (ABAWD) in 46 counties from the Supplemental Nutrition Assistance Program (SNAP) time limit at 7 CFR 273.24 for calendar year 2016.

The West Virginia 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 2015-32, effective August 23, 2015, showing that West Virginia 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.

Therefore, FNS is approving West Virginia to waive the time limit in 46 counties from January 1, 2016 through December 31, 2016. As requested by the State agency, the waiver will apply to the entire State except for the following nine counties: Berkeley, Cabell, Harrison, Jefferson, Kanawha, Marion, Monongalia, Morgan, and Putnam. The detailed waiver response is attached. If you have any questions, please contact Sally Jacober-Brown at sally.jacobers-brown@fns.usda.gov.

Sincerely,

Sasha Gersten-Paal
Chief
Certification Policy Branch
Program Development Division

Attachment

WAIVER RESPONSE

1. **Waiver Serial Number:** 2150031
2. **Type of Request:** Extension and modification
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 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 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 has requested to waive the ABAWD time limit in 46 counties in the State from SNAP time limit at 7 CFR 273.24 from January 1, 2016 through December 31, 2016.

The West Virginia 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 2015-32, effective August 23, 2015, showing that West Virginia qualified for extended unemployment benefits.

8. **Action and reason for approval or denial:** FNS is approving the West Virginia State agency's request to waive the ABAWD time limit in the 46 counties because the State meets the requirements for approval provided at 7 CFR 273.24(f)(2)(ii) and relevant guidance. As requested by the State, the waiver will apply to all but

nine counties: Berkeley, Cabell, Harrison, Jefferson, Kanawha, Marion, Monongalia, Morgan, and Putnam.

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 January 1, 2016 through December 31, 2016.
13. **Limitation, if any, on regional office approval of like requests:** This waiver is limited to the West Virginia State agency.
14. **Date of national office action:** NOV 16 2015
15. **Date of State agency's request:** August 13, 2015
16. **Date of regional office transmittal of request:** August 14, 2015
17. **Implementation date:** January 1, 2016
18. **State agency contact:**
Monica Hamilton
monica.a.hamilton@wv.gov
(304) 356-4619
19. **FNS regional contact:**
Sally Jacober-Brown
Sally.jacobers-brown@fna.usda.gov
(609) 259-5132