



Food and
Nutrition
Service

SEP 09 2016

Park Office
Center

3101 Park
Center Drive
Alexandria
VA 22302

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 – Approval

Dear Commissioner Exline:

This is in response to the West Virginia State agency's request to waive the Supplemental Nutrition Assistance Program time limit for able-bodied adults without dependents in 46 counties from January 1, 2017, through December 31, 2017.

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 West Virginia to waive the time limit in the 46 counties for the requested 12-month period. The approval amends and extends waiver number 2150031. The enclosed waiver response includes the approved areas, the supporting evidence used, and the conditions of approval. If you have any questions please contact Kelly Boger at Kelly.Boger@fns.usda.gov.

Sincerely,

Sasha Gersten-Paal
Chief
Certification Policy Branch
Program Development Division

Enclosure

WAIVER RESPONSE

1. **Waiver serial number:** 2150031
2. **Type of request:** Extension
3. **Statutory citation:** Section 6(o) of the Food and Nutrition Act of 2008, as amended
4. **Regulatory citation:** 7 CFR 273.24
5. **State:** West Virginia
6. **Region:** Mid-Atlantic
7. **Requirement:** Section 6(o) of the Food and Nutrition Act of 2008, as amended, provides 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. Section 6(o) also provides 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. **Proposed alternative procedures:** The West Virginia State agency has requested to waive the ABAWD time limit in 46 counties from January 1, 2017 through December 31, 2017. The State agency has 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. The State has provided a copy of Department of Labor Trigger notice 2016-2, effective January 24, 2016, showing that West Virginia qualified for extended unemployment benefits. The State agency has requested to waive the entire State except for the following nine counties: Berkeley, Cabell, Harrison, Jefferson, Kanawha, Marion, Monongalia, Morgan, and Putnam.
9. **Action and reason for approval or denial:** The Food and Nutrition Service (FNS) is approving the West Virginia State agency's request to waive the ABAWD time limit in the 46 counties because the areas meet the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance.
10. **Regulatory or legislative basis for action:** The waiver is approved pursuant to section 6(o) of the Food and Nutrition Act of 2008, as amended and 7 CFR 273.24(f).

- 11. Information required for an 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 as supporting documentation.
- 12. Implementation date and expiration date:** The waiver is effective January 1, 2017, through December 31, 2017.
- 13. Limitation, if any, on regional office approval of like requests:** The waiver is limited to the West Virginia State agency.
- 14. Date of national office action:** **SEP 09 2016**
- 15. Date of State agency's request:** August 23, 2016
- 16. Date of regional office transmittal of request:** August 29, 2016
- 17. State agency contact:**
Monica Hamilton
Monica.A.Hamilton@wv.gov
(304) 356-4619
- 18. FNS regional contact:**
Kelly Boger
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