



Food and
Nutrition
Service

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Date: December 21, 2018

Linda Watts
Commissioner
Bureau for Children and Families
West Virginia Department of Health and Human Resources
350 Capitol Street, Room 730
Charleston, West Virginia 25301-3711

Supplemental Nutrition Assistance Program (SNAP) – West Virginia Request to Waive Able-Bodied Adults Without Dependents Time Limit – Approval

Dear Commissioner Watts:

This is in response to the West Virginia State agency's December 4, 2018, request to waive the SNAP time limit for able-bodied adults without dependents in 37 counties from January 1, 2019, through December 31, 2019.

The State agency's request and supporting unemployment data meet the requirements for approval provided at 7 CFR 273.24(f) and relevant Food and Nutrition Service (FNS) guidance. Therefore, FNS is approving the State to waive the time limit in the areas for a 12-month period, as requested. FNS notes however that the State made a technical error in its analysis of the Bureau of Labor Statistics unemployment data it used to support its waiver request for certain counties. While the State used qualifying data for an acceptable reference period for these counties, the State did not calculate the average unemployment rates correctly. Despite this technical error, FNS validated the data provided by the State using the correct calculation (dividing the sum total unemployed by the sum total labor force) and determined that the requested areas do qualify. For any future requests we remind the State to follow the specific calculations provided in the *Guide to Supporting Requests to Waive the Time Limit for Able-Bodied Adults Without Dependents (ABAWD)*, which can be found here: <https://fns-prod.azureedge.net/sites/default/files/snap/SNAP-Guide-to-Supporting-Requests-to-Waive-the-Time-Limit-for-ABAWDs.pdf>.

The attached waiver response includes the approved areas, the supporting evidence used, and the conditions of approval. Please contact your FNS Regional Office with any questions.

As you may be aware, FNS has proposed regulations that would strengthen the standards by which areas can qualify for these waivers so that the statutory ABAWD work requirement is applied more broadly. FNS has proposed that the rule, once finalized, would go into effect on October 1, 2019, which is the beginning of federal fiscal year 2020. Therefore, the final rule could change the qualifying areas and approval period for this waiver.

FNS 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-of the waiver when it expires and reintroduce the time limit.

Moving forward, FNS will be taking actions to support the Administration's priority to provide able-bodied Americans a path to self-sufficiency. This goal requires that we establish a clear and mutual commitment to moving SNAP participants to meaningful employment.

Sincerely,

Sasha Gersten-Paal For

Sasha Gersten-Paal

Chief

Certification Policy Branch

Program Development Division

Able-Bodied Adults Without Dependents (ABAWD) Waiver Response

1. **Serial Number:** 2150031
2. **Request Type:** Extension and amendment
3. **Statutory Citation:** Section 6(o) of the Food and Nutrition Act of 2008
4. **Regulatory Citation:** 7 CFR 273.24
5. **State:** West Virginia
6. **Food and Nutrition Service (FNS) Region:** Mid-Atlantic
7. **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.
8. **Requested Area(s) and Support:** The West Virginia State agency has requested to waive the ABAWD time limit in 37 counties from January 1, 2019, through December 31, 2019. The State agency has supported its request for 29 counties based upon these counties having been declared Labor Surplus Areas (LSAs) for Fiscal Year 2019 by the U.S. Department of Labor's Employment and Training Administration, as shown in Table 1 below.

Table 1: Labor Surplus Areas 2019 (U.S. Department of Labor's Employment and Training Administration)

Labor Surplus Areas for FY 2019	
1.	Barbour County
2.	Boone County
3.	Braxton County
4.	Brooke County
5.	Calhoun County
6.	Clay County
7.	Fayette County
8.	Gilmer County
9.	Hancock County
10.	Jackson County
11.	Lewis County

12.	Lincoln County
13.	Logan County
14.	Mason County
15.	McDowell County
16.	Mercer County
17.	Mingo County
18.	Nicholas County
19.	Pleasants County
20.	Pocahontas County
21.	Raleigh County
22.	Ritchie County
23.	Roane County
24.	Tyler County
25.	Upshur County
26.	Webster County
27.	Wetzel County
28.	Wirt County
29.	Wyoming County
Data extracted from www.doleta.gov/programs/lisa.cfm on December 6, 2018.	

The State agency has supported its request for 8 counties based upon the requested areas having an average unemployment rate 20 percent above the national average for a recent 24-month period. The State agency selected July 2016 through June 2018 for 3 of the 8 counties. During this time period the national average unemployment rate was 4.4 percent; 20 percent above that rate is 5.3 percent. As shown in Table 2, the average unemployment rates for each of the requested areas was 5.3 percent or higher during the selected time period.

Table 2: Individual Counties (Bureau of Labor Statistics Local Area Unemployment Data July 2016 through June 2018)

County	Unemployment Rate
1. Marshall	6.4
2. Wayne	6.0
3. Wood	5.5
Data extracted from http://www.bls.gov on December 6, 2018.	

The State agency selected November 2016 through October 2018 for 5 of the 8 counties. During this time period the national average unemployment rate was 4.2 percent; 20 percent above that rate is 5.0 percent. As shown in Table 3, the average unemployment rates for each of the requested areas was 5.0 percent or higher during the selected time period.

Table 3: Individual Counties (Bureau of Labor Statistics Local Area Unemployment Data November 2016 through October 2018)

County	Unemployment Rate
1. Grant County	5.6
2. Hardy County	5.2
3. Mineral County	5.5
4. Randolph County	5.4
5. Summers County	5.6
Data extracted from http://www.bls.gov on December 6, 2018.	

9. FNS Action and Justification: FNS is approving the State agency to waive the ABAWD time limit as requested. The State agency's request meets the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance.

10. Authority: The waiver is approved pursuant to section 6(o) of the Food and Nutrition Act of 2008 and 7 CFR 273.24(f).

11. Implementation Date: January 1, 2019

12. Expiration Date: December 31, 2019

13. 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.

14. State Agency Contact Information:

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15. FNS Regional Office Contact Information:

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