



Food and
Nutrition
Service

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Date: December 6, 2019

Linda Watts
Commissioner
Bureau for Children and Families
West Virginia Department of Health and Human Services
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 – Partial Approval

Dear Ms. Johnson:

This is in response to the West Virginia State agency's October 10, 2019, request to waive the SNAP time limit for able-bodied adults without dependents (ABAWDs) in 19 counties from January 1, 2020, through December 31, 2020. Although the State requested a 12-month waiver, the Food and Nutrition Service (FNS) is approving the waiver for 3 months due to new regulatory requirements governing the approval of ABAWD waiver requests at 7 CFR 273.24(f). The attached waiver response includes the approved areas, the supporting evidence used, and the conditions of approval.

FNS has finalized [regulations](#) that strengthen the standards by which areas can qualify for these waivers so that the statutory ABAWD work requirement is applied more broadly. All waivers must be approvable under the new regulatory standards by April 1, 2020. Therefore, if the State agency wishes to waive the SNAP time limit for ABAWDs in any areas beyond March 31, 2020, it must submit a new waiver request. FNS will evaluate any such requests under the new regulatory requirements at 7 CFR 273.24(f). Please contact your FNS Regional Office with any questions.

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.

Sincerely,

Miles Patrie

Miles Patrie
Acting Chief
Certification Policy Branch
Program Development Division

Able-Bodied Adults Without Dependents (ABAWD) Waiver Response

1. **Serial Number:** 2150031
2. **Request Type:** Extension and Modification
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 requested to waive the ABAWD time limit in a total of 19 counties from January 1, 2020, through December 31, 2020. The State agency supported its request for these counties based upon these counties having been declared Labor Surplus Areas (LSAs) for Fiscal Year 2020 by the U.S. Department of Labor's Employment and Training Administration, as shown in Table 1 below.

Table 1: Labor Surplus Areas 2020 (U.S. Department of Labor's Employment and Training Administration)

Counties
1. Braxton County
2. Calhoun County
3. Clay County
4. Fayette County
5. Gilmer County
6. Lincoln County
7. Logan County
8. Mason County
9. McDowell County
10. Mingo County
11. Nicholas County
12. Pleasants County

Counties
13. Pocahontas County
14. Roane County
15. Tyler County
16. Webster County
17. Wetzel County
18. Wirt County
19. Wyoming County
Data extracted from https://www.doleta.gov/LSA on October 11, 2019.

- 9. FNS Action and Justification:** FNS is approving the State agency to waive the ABAWD time limit in the approved areas for 3 months. 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, 2020
- 12. Expiration Date:** March 31, 2020
- 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:**
Name: Monica Hamilton
Phone Number: (304) 356-4620
Email: monica.a.hamilton@wv.gov
- 15. FNS Regional Office Contact Information:**
Name: Kelly Boger
Phone Number: (609) 259-5009
Email: Kelly.Boger@usda.gov