



Food and Nutrition
Service

Date: November 13, 2020

1320 Braddock Place
Alexandria VA,
22314

Ms. 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 Ms. Watts:

This is in response to the West Virginia State agency's September 4, 2020, request to waive the SNAP time limit for able-bodied adults without dependents (ABAWDs). The attached waiver response includes the approved areas, the supporting evidence used, and the conditions of approval.

On December 5, 2019, the Food and Nutrition Service (FNS) published the final rule, [*Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents*](#) (84 FR 66782), which revises the conditions under which FNS would approve requests from States to waive the ABAWD time limit. The final rule's changes to waiver standards were scheduled to take effect as of April 1, 2020. However, the U.S. District Court for the District of Columbia vacated this final rule on October 18, 2020.

As a result, the previous waiver criteria published in the January 17, 2001, final rule, [*Food Stamp Program: Personal Responsibility Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996*](#) (66 FR 4438), is being used as the basis for any waiver approvals. Waivers approved under the 2001 standards will be in effect up until the date specified in the attached waiver response, or until the date at which new waiver standards become effective, whichever occurs earlier.

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. Please contact your Regional Office representative with any questions.

Sincerely,

Arpan Dasgupta
Chief
Certification Policy Branch
Program Development Division

Able-Bodied Adults Without Dependents (ABAWD) Waiver Response

- 1. Serial Number:** 2150031
- 2. Request Type:** Extension
- 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 15 counties from January 1, 2021, through December 31, 2021. The State agency supported its request based upon each of these areas having an individual average unemployment rate 20 percent above the national average for the 24-month period of July 2018 through June 2020. During this time period, the national average unemployment rate was 4.85 percent; 20 percent above that rate is 5.8 percent. The aggregate average unemployment rates for the 15 areas were at least 5.8 percent during the same time period (areas listed below in Table 1).

Table 1: Individual Areas (Bureau of Labor Statistics Local Area Unemployment Data July 2018 through June 2020)

Labor Market Area	Unemployment Rate
1. Braxton County	8.2%
2. Calhoun County	13.5%
3. Gilmer County	7.5%
4. Logan County	7.8%
5. Mason County	7.0%
6. Mingo County	9.0%
7. McDowell County	10.2%
8. Nicholas County	7.6%
9. Pleasants County	7.6%

Labor Market Area	Unemployment Rate
10. Pocahontas County	6.8%
11. Roane County	10.0%
12. Tyler County	8.2%
13. Webster County	7.2%
14. Wetzel County	7.8%
15. Wyoming County	8.1%
Data extracted from http://www.bls.gov on October 14, 2020	

- 9. FNS Action and Justification:** FNS is approving the State agency's request to waive the ABAWD time limit the approved areas for one year or until the date at which new waiver standards become effective, whichever occurs earlier. 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, 2021
- 12. Expiration Date:** December 31, 2021 or the date at which new waiver standards become effective, whichever occurs earlier
- 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