



**Supplemental Nutrition Assistance Program (SNAP)**

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Toll Free 1-800-755-2716  
Treasury Offset Program 1-800-491-5716  
ND Relay TTY: 1-800-366-6888

Jack Dalrymple, Governor  
Maggie D. Anderson, Interim Executive Director

September 13, 2012

Mr. Philip Fraley, Acting Regional Director  
Mountain Plains Region  
USDA, FNS, Food Stamp Program  
1244 Speer Blvd. Suite 903  
Denver, CO 80204-3585

Dear Mr. Fraley:

On August 8, 2012, we submitted an ABAWD waiver request of Serial Number 970125 using the new template along with the supporting data for FFY 2013. Based on the data, Rolette County qualifies as the county has an average unemployment rate exceeding 10 percent for the three month period of January-March 2012. Pierce County qualifies for a waiver based on the area's aggregate average unemployment rate, which is at least 10 percent. These are contiguous counties.

This letter serves as a cover letter requesting the above waiver. Thank you for your support and assistance.

Sincerely,

A handwritten signature in cursive script that reads "Arlene Dura".

Arlene Dura, Director  
Supplemental Nutrition Assistance Program

## STATE WAIVER REQUEST

1. **Type of request:** Modification and Extension - 970125
2. **Regulatory citation:** Section 6 (o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, P.L. 104-193.

3. **State:** North Dakota

4. **Region:** Mountain Plains Region

5. **Regulatory requirements:**

Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), P.L. 104-193, provides that no individual shall be eligible to participate in the Food Stamp Program as a member of any household if, during the preceding 36 month period, the individual received food stamp benefits for not less than 3 months (consecutive or otherwise), during which the individual did not work 20 hours or more per week, averaged monthly; did not participate in and comply with the requirement of a work program for 20 hours or more per week; or did not participate in and comply with requirements of a program under section 20 or a comparable program established by the State.

Under 7 CFR 273.24(f), upon the request of a State agency, the Food and Nutrition Service (FNS) may waive the applicability of the above provision for any group of individuals in the State if the FNS 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.

In addition, 7 CFR 273.24 (f)(2)(i) permits states to use "evidence that an area has a recent 12 month average unemployment rate over 10 percent; a recent three month average unemployment rate over 10 percent; or an historical seasonal unemployment rate over 10 percent".

6. **Description of alternative procedures:**

The State of North Dakota requests to waive individuals residing in a combined area within the state. The combined area is a contiguous combination of two of eight regions in North Dakota served by Regional Councils. The regions were established by executive order of the Governor in 1969 and are "areas involving a combination of counties and cities which have a basic common denominator in their social, economic and cultural pattern of behavior, as well as in their geographic features and other influences."<sup>1</sup>

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The State seeks a waiver for one contiguous eligible area (Pierce & Rolette Counties) based on aggregate average unemployment rates exceeding 10 percent for the 3-month period of January-March 2012

Combined Sub-region:

COUNTY	UNEMPLOYMENT RATE Jan- March 2009
<b>Sub-region of Region 2</b>	
Pierce County	6.3
<b>Sub-region of Region 3</b>	
Rolette County	13.2
<b>Total for Combined Sub-region</b>	<b>11.3</b>

Pierce and Rolette Counties qualify based on having an average unemployment rate exceeding 10 percent for the three month period of January-March 2012.

**7. Justification for request:**

As stated in number 5 above, the areas listed above have an average unemployment rate of at least 10 percent during a recent 3-month time period. All of the raw data supporting our numbers that we have used are from the Bureau of Labor Statistics (BLS) website.

**8. Anticipated impact on households and State agency operations:**

This waiver will provide consistency for households and State agency operations in areas where unemployment remains higher than the national average.

**9. Caseload information, including percent, characteristics, and quality control error rate for affection portion:**

The caseload for the two counties is 2,827 as of July 2012 and represents 10.5% of the caseload statewide. In FFY 2011, Rolette County had 2 cases cited in error (\$149.00) and Pierce County had no errors. The statewide error rate for FFY 2011 was 4.34%. The ABAWD provisions did not apply in McHenry, Pierce and Rolette Counties in FFY 2011.

Quality Control data through July 20, 2012 shows Rolette County has had one client error cited for FFY 2012 in the amount of \$215.00 and the ABAWD provisions are

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Please refer to the following Internet sites for more information on North Dakota' Regional Councils:  
<http://www.business.nd.gov/searchcenter/regional>  
<http://www.sourisbasin.org/about/history.shtml>

not applicable to any county in North Dakota in FFY 2012. Our current error rate is 2.79%.

**10. Anticipated implementation date and time period for which waiver is needed:**

The State is requesting a one-year waiver from October 1, 2012 through September 30, 2013.

**11. Proposed quality control review procedures:**

There are no quality control procedures involved.

**12. State agency submitting waiver request and State contact person:**

North Dakota Department of Human Services, Supplemental Nutrition Assistance Program,  
Arlene Dura

**13. Signature and title of requesting official:**

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Title: SNAP Director

**14. Date of request: August 8, 2012**

**15. Regional office contact person (to be completed by FNS regional office):**