



March 31, 2020

Willie C. Taylor, Regional Administrator
USDA Food and Nutrition Service
Southeast Region
61 Forsyth Street, SW, Suite 8T36
Atlanta, Georgia 30303

Dear Mr. Taylor

Please find enclosed Georgia's request to waive regulatory timeframes associated with the adjudication of recipient claims in the Supplemental Nutrition Assistance Program (SNAP).

On March 13, 2020, President Donald J. Trump declared a national State of Emergency due to the novel coronavirus pandemic (COVID-19). On March 14, 2020, Governor Brian P. Kemp of Georgia signed a Public Health State of Emergency to address the pandemic in Georgia. Due to the pandemic and its economic impact, Georgia has experienced a significant increase in the number of applications for benefits through its Supplemental Nutrition Assistance Program (SNAP). As a result, the Georgia Division of Family and Children Services (DFCS), which manages SNAP in Georgia, requires assistance in processing these applications to ensure its citizens have access to the food security and nutrition assistance provided through SNAP benefits.

To support the operations of DFCS, while maintaining its regulatory obligation to ensure the integrity of SNAP in Georgia, the Georgia Department of Human Services (DHS) Office of Inspector General (OIG) is requesting a waiver from the USDA Food and Nutrition Service for the duration of the COVID-19 pandemic. A summary of this request is outlined below:

SUSPENSION OF HEARING TIMEFRAMES

Effective March 13, 2020, the state is requesting a waiver to suspend hearing timeframes associated with the adjudication of any SNAP claims established 60-days before the national State of Emergency declaration by President Trump. Judicial Circuits throughout Georgia began canceling or postponing scheduled hearings, as alternative hearing procedures were developed. While some judicial circuits have adopted telephonic hearings, other judicial circuits are still determining the most efficient ways to conduct hearings during the pandemic. Telephonic hearings are not preferred as they require unique facilitation in specific Georgia regions that have not historically conducted telephonic hearings for SNAP integrity claims. Internet connectivity and access to reliable phone services are a challenge for many rural communities, especially those residents who live at or below the poverty level.

Your assistance in this matter is greatly appreciated. Please contact S. Maurice D. Ingram at Maurice.Ingram@dhs.ga.gov if additional information is needed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jon Anderson". The signature is fluid and cursive, with the first name "Jon" being more prominent than the last name "Anderson".

Jon M. Anderson,
Chief Deputy Division Director, Office of Family Independence
Georgia Division of Family and Children Services

STATE WAIVER REQUEST

1. **Waiver Serial Number:** DHS-OIG-BIRU-2020-0002
2. **Type of request:** Initial
3. **Regulatory citation (s):** 7 CFR 273.15 Fair Hearings; 7 CFR 273.16 (e)(2)(iv) Disqualification Hearings
4. **State:** Georgia
5. **Region:** SERO
6. **Regulatory requirements:** According to 7 CFR 273.15 Fair Hearings, “within 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency are notified of the decision. Decisions that result in an increase in household benefits shall be reflected in the household's EBT account within 10 days of the receipt of the hearing decision even if the State agency must provide supplementary benefits or otherwise provide the household with an opportunity to obtain the benefits outside of the normal issuance cycle. However, the State agency may take longer than 10 days if it elects to make the decision effective in the household's normal issuance cycle, provided that the issuance will occur within 60 days from the household's request for the hearing. Decisions which result in a decrease in household benefits shall be reflected in the next scheduled issuance following receipt of the hearing decision.”

Also, according to 273.16 (e)(2)(iv) Disqualification for intentional program violations, “within 90 days of the date, the household member is notified in writing that a State or local hearing initiated by the State agency has been scheduled, the State agency shall conduct the hearing, arrive at a decision and notify the household member and local agency of the decision. The household member or representative is entitled to a postponement of the scheduled hearing, provided that the request for postponement is made at least 10 days in advance of the date of the scheduled hearing. However, the hearing shall not be postponed for more than a total of 30 days and the State agency may limit the number of postponements to one. If the hearing is postponed, the above time limits shall be extended for as many days as the hearing is postponed.

7. **Proposed alternative procedures:** The Georgia Division of Family and Children Services (DFCS) is requesting a waiver to suspend all adjudication timeframes associated with recipient claims established 60 days before the national State of Emergency declaration by President Trump on March 13, 2020. This population of claims is between 50 to 214 recipient claims.
8. **Justification for request:** Georgia’s request to suspend adjudication will allow the State flexibility to adjust to the various hearing alternatives adopted by the 159 District Attorneys and other judicial agencies that manage hearings for the Office of Inspector General. Many of these judicial agencies will be adopting telephonic hearings for the first time, while others are adjusting court calendars based on new prioritization guidelines designed to conform to new social distancing guidelines.
9. **Anticipated impact on households and state agency operation:** Allowing flexibility provides the State time to focus on ensuring the population of impacted cases are scheduled timely with proper notice and accommodation, if needed, is provided to the SNAP recipients involved in the hearings.

10. Quality control procedures: The proposal does not affect quality control sampling or procedures.

11. Date of State agency's request: March 31, 2020

12. Anticipated implementation date: April 01, 2020

13. State agency contact (name/email/telephone):

Name: S. Maurice D. Ingram

Title: Senior Manager of Business Operations,
Benefit Integrity and Recovery Unit, Office of Inspector General

Email: Maurice.Ingram@dhs.ga.gov

14. Signature and title of the requesting official:



Jon M. Anderson, Chief Deputy Division Director
Office of Family Independence
Division and Family and Children Services

