

WAIVER REQUEST – Unemployment Benefits

1. **Waiver Serial number:**
2. **Type of request:** Initial
3. **Regulatory citation:** 7 CFR 273.9(b)(2)(ii), 273.9(c)(8)
4. **State:** Mississippi
5. **Region:** Southeast
6. **Regulatory requirements:** Supplemental Nutrition Assistance Program (SNAP) regulations state that Unemployment Benefits (UB) are included in the definition of countable unearned income. Regulations state that non-recurring lump sum payments are counted as a resource in the month received.
7. **Proposed alternative procedures:** In an effort to mitigate the effects of the COVID-19 pandemic on the determination of eligibility for SNAP benefits, the Mississippi Department of Human Services (MDHS) is requesting a waiver of regulations at 7 CFR 273.9(b)(2)(ii) that include UB as countable unearned income. The waiver would allow the MDHS to disregard UB as countable income when received in the same month as the initial issuance of SNAP benefits. Additionally, the state is requesting a waiver of regulations at 7 CFR 273.9(c)(8) that require non-recurring lump sum payments to be counted as a resource in the month received.
8. **Justification for request:** Since March 16, 2020, there has been a greater than 400% increase in monthly SNAP applications received by the MDHS, attributable to the COVID-19 pandemic. During this national emergency, households are applying for both SNAP and UB in the same month. In many instances, SNAP applications are being approved under expedited criteria based on little or no household income. This is because, at the time of the SNAP application, these households have not yet received regular UB benefits and the additional \$600 in weekly UB benefits authorized under the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

Many SNAP households are receiving retroactive lump sum UB payments under the CARES Act. Under normal circumstances, amounts not attributable as income for the month would be considered as a resource in the month received and included with the household's existing assets. The accumulation of such UB payments would represent a substantial asset amount to be considered in the eligibility determination.

When the household subsequently receives UB in the same month of SNAP approval, the receipt of such payments must be considered in relation to ongoing SNAP eligibility. This would result in an undue administrative burden on the State agency in the following ways:

- The agency would have just completed the initial eligibility determination.
- The agency will be required to close the case due to income exceeding the need standard for the program that may have just opened.
- The agency will be required to issue a claim for repayment of benefits received during the month in which the unemployment lump sum is received.
- The agency will experience a large increase in administrative hearings to dispute the repayment claim initiated by the agency.
- Due to case closure, the agency will be required to submit this claim to tax offset.
- In the event the case reopens, the agency will be required to pause the tax offset and initiate a claim against benefits to be received.

Under this waiver, while disregarding UB payments as income for the first month in which the payment is received, regular ongoing UB payments would be budgeted beginning with the second month's SNAP budget.

- 9. Anticipated impact on households and State agency operation:** The waiver would prevent households seeking financial and food assistance during the pandemic from experiencing an immediate disruption of those benefits and prevent these households from being subject to the establishment of claims. The agency would benefit by not being burdened with the additional case actions as noted above, preventing additional work demands on caseworkers during a time of unprecedented demand for services.
- 10. Affected Caseload:** This waiver will affect all new applications received during the pandemic period. Currently this would affect approximately 95,000 SNAP cases in Mississippi.
- 11. Anticipated implementation date and time period for which the waiver is needed, including system adjustment requirements:** Implementation of this waiver will begin immediately upon approval by the Food and Nutrition Service.
- 12. Quality Control procedures:** No special Quality Control procedures are required for cases subject to the provisions of this waiver.
- 13. Date of State agency's request: April 22, 2020**

14. State agency contact (name/email/telephone): Rick Dawkins
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15. Signature, title, email of the requesting official:

DocuSigned by:

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