



Food and  
Nutrition  
Service

1320 Braddock Place  
Alexandria, VA  
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April 22, 2020

Mr. Alex J. Mayer  
SNAP Program Administrator  
Division of Economic Assistance  
Department of Social Services  
700 Governors Drive  
Pierre, South Dakota 57501

RE: Supplemental Nutrition Assistance Program (SNAP) – SD request for  
Flexibility on Administrative Disqualification Hearings (ADH) Time  
Frames due to COVID-19 – Approval

Dear Mr. Mayer:

This letter transmits approval of the South Dakota Department of Social Services request for flexibility on time frames for administrative disqualification hearings in response to State office closures and staff reductions due to COVID-19. The Food and Nutrition Service (FNS) is approving this request under the authority of 7 CFR 272.3(c)(1)(i), which allows FNS to authorize temporary waivers to deviate from specific regulatory provisions when they cannot be implemented due to extraordinary temporary situations.

FNS is approving flexibility on 7 CFR 273.16(e)(2), which states that, 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. This regulation also states that the accused individual has until 10 days before the scheduled hearing to request a postponement, but the hearing may not be postponed by more than 30 days.

FNS is authorizing the State agency to extend the time frame for the full ADH process to a maximum of 180 days from the time of the hearing notification and the potential postponement period up to 60 days. This flexibility would be allowed for ADH processes initiated by a hearing notice sent before March 1, 2020, and would have continued beyond March 1 under the standard 90-day time frame, and for any new ADH processes initiated in March, April, or May 2020.

Approval of this waiver is contingent on the State agency meeting the following conditions. The State agency must notify households affected by this flexibility. All other rights of households and responsibilities of the State agency to ensure full due process, as described in the regulations, remain regardless of a potential extended timeline to meet these requirements. State agencies are expected to maintain ADH hearings as capacity allows and, if a State elects to use this flexibility, they should prioritize the highest dollar value cases during and upon completion of the waiver period.

Mr. Alex J. Mayer  
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If you have questions or need additional information, please contact your Regional Office representative.

Sincerely,

4/22/2020

**X** Ronald K. Ward

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Ronald K. Ward

Director, Program Accountability and Administrati...

Signed by: Department of Agriculture