

February 3, 2009

970088 and 2080015

SUBJECT: SNAP – Georgia – ABAWD Waiver of 7 CFR 273.24 – Modification and Extension

TO: Peggy Fouts, Director  
Supplemental Nutrition Assistance Program  
Southeast Region

This is in response to the Georgia State agency's request to extend and modify its current waivers exempting individuals from the work requirements of 7 CFR 273.24 based on insufficient jobs. Under the proposed modification and extension, all residents of the State would be exempt from the work requirements of 7 CFR 273.24, based on the State's eligibility for extended unemployment benefits under DOL Trigger Notice No. 2008-45. The Georgia State agency currently has two approved ABAWD waivers (no. 970088 and 2080015). Under waiver 2080015, a 2-year ABAWD waiver, which is scheduled to expire March 31, 2010, residents of 72 counties and two additional cities are currently exempt from the work requirements of §273.24. Under waiver 970088, a 1-year waiver, which is scheduled to expire March 31, 2009, residents of two counties in a single multi-county region are exempt from the work requirements. For the purposes of the State agency's request for a statewide waiver, FNS has combined the State's existing waivers into a single waiver, designated as waiver no. 2080015.

FNS is approving the modification and extension, as requested by the State agency, effective February 1, 2009 for a one-year period. Our detailed response approving the State agency's request is attached. Although FNS has previously declined to approve extensions and/or modifications of ABAWD waivers prior to the expiration of existing waivers, we are now approving State requests for early modifications and/or extensions in response to the current economic climate and the growing number of States eligible for Statewide ABAWD waivers based on Department of Labor Trigger Notices.

If you have any questions, please contact Larry Tropp at [larry.tropp@fns.usda.gov](mailto:larry.tropp@fns.usda.gov) or at (703) 305-2504.

/s/

Sandra Clark  
Chief  
Certification Policy Branch  
Program Development Division

FINAL:USDA:FNS:SNAP:PDD:CPB:LTropp:JRagan:01/30/09:305-2519  
File:I:CPB:Waivers:FY2009 970088 & 2080015: GA ABAWD 2009 mod & ext

## WAIVER RESPONSE

1. **Waiver serial number:** 2080015
2. **Type of request:** Modification and Extension
3. **Primary regulation citation:** 7 CFR 273.24(f)
4. **Secondary regulation citation:** None
5. **State:** Georgia
6. **Region:** SERO
7. **Regulatory Requirements:** Supplemental Nutrition Assistance Program (SNAP) Regulations at 7 CFR 273.24(f) provide that no individual shall be eligible to participate in the Supplemental Nutrition Assistance Program as a member of any household if, during the preceding 36 month period, the individual received SNAP 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, participate in and comply with the requirements of a work program for 20 hours or more per week, or participate in and comply with requirements of a program under Section 20 or a comparable program established by the State.

SNAP Regulations at 7 CFR 273.24(f) also provide that, upon the request of a State agency, the Secretary may waive the applicability of the above provision 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. **Description of proposed alternative procedures:** The Georgia State agency is requesting a modification and extension of its existing waivers to exempt residents residing in the entire State from the work requirements of 7 CFR 273.24 due to having insufficient jobs based on U.S. Department of Labor data indicating that the State qualifies for extended unemployment benefits.

26 USC 3304 (Public Law 102-318) allows States the option of providing an additional alternative trigger for the extended benefits program, based on the State's seasonally adjusted total unemployment rate (TUR) for the most recent three months reaching at least: (1) 6.5 percent; and (2) 110 percent of such TUR for the corresponding three-month periods ending in either or both of the two preceding calendar years.

The Department of Labor's Trigger Notice No. 2008-45 shows Georgia's 3-month average total unemployment rate (TUR) at: (1) 6.6 percent and (2) 146 percent of the 3-month average for the corresponding period in the first year and 146 percent of the 3-month average for the corresponding period in the second year, making the State eligible for extended unemployment benefits.

9. **Action and reason for approval or denial:** The 3-month time limit for ABAWDs is waived for all residents of the State of Georgia based on insufficient jobs. This determination is based upon the U.S. Department of Labor (DOL) Trigger Notice No. 2008-45, effective November 23, 2008, which provides data indicating that Georgia's total unemployment rate (TUR) of 6.6 percent qualifies the State for extended unemployment insurance benefits based on the provisions of 26 U.S.C. 3304 (P.L. 102-318). This waiver modification and extension supersedes the State's current waiver numbers 970088 and 2080015, which are currently set to expire on March 31, 2009. For tracking purposes, this waiver will continue to be designated number 2080015.
10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24(f), and the State's qualification for extended unemployment insurance benefits under 26 U.S.C. 3304 (P.L. 102-318).
11. **Conditions and reasons:** None
12. **Information required for extension:** To receive an extension the State agency must provide verifiable data indicating that there are insufficient jobs in the affected areas.
13. **Expiration date:** As requested by the State agency, this waiver will be effective February 1, 2009 and will expire January 31, 2010.
14. **Limitation on regional office approval of like requests:** This waiver is limited to the Georgia State Agency.
15. **Quality Control Procedures:** No special QC procedures are required for cases subject to the provisions of this waiver.
16. **Date of national office action:** February 2, 2009
17. **Date of State agency's request:** December 1, 2008
18. **Date of regional office transmittal to the national office:** December 2, 2008
19. **Date of regional office transmittal of response to State agency:**