

970315

SUBJECT: SNAP – Maine Waiver Request – Able-bodied Adults without Dependents (ABAWDs) Statewide Waiver of 7 CFR 273.24 – Modification and Extension -- Approval

TO: Bonnie Brathwaite, Acting Regional Director
Supplemental Nutrition Assistance Program (SNAP)
Northeast Region

This is in response to the Maine Department of Health and Human Services' request to extend and modify its current waiver exempting individuals from the work requirements of 7 CFR 273.24 based on insufficient jobs. Under the modified waiver, all residents of the entire State would be exempt from the work requirements of 7 CFR 273.24 based on the State's eligibility for extended unemployment benefits under the Department of Labor Trigger Notice No. 2009-3, which is effective February 15, 2009. The Northeast Regional Office recommends approval of this waiver.

Food and Nutrition Service (FNS) is approving this waiver for one year, effective March 1, 2009 through February 28, 2010, as requested by the State agency. However, Section 101(e) of the recently-enacted American Recovery and Reinvestment Act of 2009 (ARRA) suspends restrictions on ABAWD participation in the Supplemental Nutrition Assistance Program (SNAP) as of April 1, 2009 continuing through September 30, 2010 (unless State agencies choose to impose specific work requirements) so waivers are not required to exempt ABAWDs from the time limit during this period.

Additional information about the approval is provided in the attached waiver response form. If you have any questions, please contact Linda Jupin by email at Linda.Jupin@fns.usda.gov or by telephone at (703) 305-2468.

Angela Kline
Assistant Chief
Certification Policy Branch
Program Development Division

Attachment

FINAL:FNS:FSP:PDD:CPB:LJupin:703-305-2468: 2/20/09:JRagan:02/24/09:305-2519
FC: DIR:S:CPB:WAIVERS:FY 2009\970315 ME ABAWD Waiver – 970315 ME
ABAWD 2009 mod & ext

WAIVER RESPONSE

1. **Waiver serial number:** 970315
2. **Type of request:** Modification and Extension
3. **Primary regulation citation:** 7 CFR 273.24(f)
4. **Secondary regulation citation:** None
5. **State:** Maine
6. **Region:** Northeast
7. **Regulatory Requirements:** The Supplemental Nutrition Assistance Program (SNAP) Regulations at 7 CFR 273.24(f) provide that no individual shall be eligible to participate in SNAP 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 of the Food and Nutrition Act of 2008 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 Maine Department of Health and Human Services (DHHS) is requesting a modification and extension of its existing waiver to exempt all State residents from the work requirements of 7 CFR 273.24 on the basis of insufficient jobs based on U.S. Department of Labor data indicating that the State qualifies for extended unemployment benefits. The State agency submitted the U.S. Department of Labor's report entitled "EUC 2008 Trigger Notice No. 2009-3, Second Tier EUC 2008 Triggers Under P.L. 110-449", effective February 15, 2009, which indicates that Maine is entitled to extended unemployment compensation benefits.

9. **Action and reason for approval or denial:** FNS is waiving the 3-month time limit for ABAWDs for residents of the entire State of Maine based on insufficient jobs as indicated by the State's eligibility for emergency unemployment benefits under the Unemployment Compensation Extension Act of 2008, Public Law 110-449. Under P.L. 110-449, a State may qualify for emergency unemployment benefits if its 3-month Total Unemployment Rate (TUR) is at least 6.0 percent or if its Insured Unemployment Rate (IUR) is at least 4.0 percent for the previous 13 weeks. The trigger notice shows that the State's TUR was 6.3 percent, making the State eligible for extended unemployment benefits.
10. **Regulatory or legislative basis for action:** Federal regulations at 7 CFR 273.24(f)(1)(ii) allow a statewide waiver based on a state's qualifying for extended unemployment benefits.
11. **Conditions and reasons:** None
12. **Information required for extension:** Although Maine's waiver expires on February 28, 2010, ABAWDs in Maine will continue to be exempt from the ABAWD restrictions at 7 CFR 273.24 through September 30, 2010 under the nationwide suspension of those provisions that will be in effect from April 1, 2009 through September 30, 2010, pursuant to Section 101(e) of the American Recovery and Reinvestment Act of 2009 (ARRA), unless the State agency chooses to impose specific work requirements. Therefore, no waiver will be necessary to exempt ABAWDs from the time limits during this period.
13. **Expiration date:** As requested by the State agency, this waiver will be effective March 1, 2009 and will expire February 28, 2010.
14. **Limitation on regional office approval of like requests:** This waiver is limited to the Maine 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 23, 2009
17. **Date of State agency's request:** February 10, 2009
18. **Date of regional office transmittal to the national office:** February 13, 2009
19. **Date of regional office transmittal of response to State agency:**