

November 6, 2008

2040061

SUBJECT: SNAP – North Carolina – ABAWD Waiver 2040061 – 7 CFR 273.24

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

This is in response the North Carolina State agency's request of October 6, 2008, to extend and modify its current waiver exempting individuals from the work requirements of 7 CFR 273.24 based on insufficient jobs. Under the waiver, 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 DOL Trigger Notice No. 2008-38. This request supersedes an earlier request to extend this waiver based on insufficient jobs as indicated by an unemployment rate greater than 20 percent above the national average for residents of a multi-county region.

Our response approving the State agency's request is attached. If you have any questions, please contact Larry Tropp at larry.tropp@fns.usda.gov or at (703) 305-2504.

/s/

Angela Kline
Assistant Chief
Certification Policy Branch
Program Development Division

WAIVER RESPONSE

1. **Waiver serial number:** 2040061
2. **Type of request:** Modification and Extension
3. **Primary regulation citation:** 7 CFR 273.24(f)
4. **Secondary regulation citation:**
5. **State:** North Carolina
6. **Region:** SERO
7. **Regulatory Requirements:** The Food Stamp Program Regulations at 7 CFR 273.24(f) provide that no individual shall be eligible to participate in the Food Stamp Program as a member of any household if, during the preceding 36 month period, the individual received food stamp 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.

The Food Stamp Program 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:** North Carolina is requesting a modification and extension of its existing waiver to exempt residents residing in the entire State from the work requirements of 7 CFR 273.24 due to having insufficient jobs based on the U.S. Department of Labor data 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.

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The Department of Labor's Trigger Notice No. 2008-38¹ shows the State's 3-month average total unemployment rate (TUR) at: (1) 6.5 percent and (2) 138 percent of the 3-month average for the corresponding period in the first year and 135 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 residents of the entire State of North Carolina based on insufficient jobs. This determination is based upon the State agency's submittal of a U.S. Department of Labor (DOL) Trigger Notice No. 2008-38, effective October 5, 2008, which provides data indicating that North Carolina's total unemployment rate (TUR) qualified for extended unemployment insurance benefits based on the provisions of 26 U.S.C. 3304 (P.L. 102-318).
10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24(f)(3)(i), (ii), (iii), and the State's qualification for extended unemployment insurance benefits per 26 U.S.C. 3304 (P.L. 102-318).
11. **Conditions and reasons:** n/a
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 December 1, 2008 and will expire November 30, 2009.
14. **Limitation on regional office approval of like requests:** This waiver is limited to the North Carolina State Agency.
15. **Quality Control Procedures:** No special QC procedures are required for cases subject to the provisions of this waiver.

¹ Extended Benefits Trigger Notices can be found at http://www.workforcesecurity.doleta.gov/unemploy/claims_arch.asp. Trigger notice 2008-30 was issued the week of August 10, 2008.

16. **Date of national office action:**
17. **Date of State agency's request:** October 6, 2008
18. **Date of regional office transmittal to the national office:** October 7, 2008

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19. **Date of regional office transmittal of response to State agency:**