

October 9, 2008

2090003

SUBJECT: SNAP -- Nevada Request to Waive 7 CFR 273.24

TO: Dennis Stewart, Regional Director  
Supplemental Nutrition Assistance Program  
Western Region

This is in response to a request from the Nevada Department of Health and Human Services (DHHS), dated October 3, 2008, to modify and extend waiver # 2040058 to exempt able-bodied adults without dependents (ABAWDs) statewide from the work requirements contained in the regulations for the Supplemental Nutrition Assistance Program (SNAP) at 7 CFR 273.24. Your office recommended approval of the State's request, which was forwarded to our office on October 3, 2008 via email from Hope Rios of your staff.

Currently, Nevada has two approved ABAWD waivers, # 2040058 and # 2080023, both of which expire on March 31, 2009. Waiver # 2040058 exempts ABAWDs in the following tribal areas: Stewart community, Fallon Colony, Duck Valley Reservation, Elko Colony, Fort McDermitt Reservation, Winnemucca Colony, Walker River Reservation, Lovelock Colony, Reno-Sparks Colony, Goshute Reservation, Mineral County, Carson Colony, Fallon Reservation, Moapa River, Duckwater Reservation, and Pyramid Lake Reservation. This waiver was approved for two years from April 1, 2007 through March 31, 2009. Waiver # 2080023, an initial waiver approved on April 12, 2008, exempts ABAWDs in Lyon County for the period April 1, 2008 through March 31, 2009.

The State agency is requesting to modify and extend waiver # 2040058 to exempt the entire State for one year to begin on December 1, 2008, based on insufficient jobs in the State. In support of its request, the Nevada DHHS submitted a link to the U.S. Department of Labor (DOL) Trigger Notice No. 2008-37, effective September 28, 2008, which provides data indicating that the State qualifies for extended unemployment benefits, based on the provisions of 26 U.S.C. 3304 (P.L. 102-318).

We are approving the State agency's request effective December 1, 2008 through November 30, 2009. A new waiver number (# 2090003) is assigned. Because this waiver covers the entire State, including the areas covered by Nevada's current ABAWD waivers # 2040058 and # 2080023, it will supersede both of these waivers, which will expire on November 30, 2008. Additional information about this approval is

Mr. Dennis Stewart,  
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attached. If you have any questions, please contact Linda Jupin by email or telephone (703) 305-2437.

/S/

Angela Kline  
Assistant Branch Chief  
Certification Policy Branch  
Program Development Division

Attachment

cc: E-mail Distribution: ABAWD Waivers (WRO)

FNS:SNAP:PDD:CPB:LJupin:DRAFT:10/07/08:FINAL:10/08/08  
I:PDD:CPB:Waivers:2009:2090003 NV ABAWD: Initial Approval

Symbol	Surname	Date	Symbol	Surname	Date

**OFFICIAL RECORD COPY**

## WAIVER RESPONSE

1. **Waiver serial numbers:** 2090003
2. **Type of request:** Initial
3. **Primary regulation citation:** 7 CFR 273.24(f)
4. **Secondary regulation citation:**
5. **State:** Nevada
6. **Region:** Western
7. **Regulatory Requirements:** Under 7 CFR 273.24(b), an individual is not eligible to participate in the Supplemental Nutrition Assistance Program (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 or a comparable program established by the State.

Under 7 CFR 273.24(f), upon request of a State agency, Food and Nutrition Service (FNS) may waive the applicability of the above provision for any group of individuals in the State if FNS 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:** Nevada is requesting to modify and extend ABAWD waiver # 2040058 by exempting the entire State for 1-year to begin on December 1, 2008, based on insufficient jobs in the State. In support of its request, the Nevada Department of Health and Human Service (DHHS) provided a link to the U.S. Department of Labor (DOL) Trigger Notice No. 2008-37, effective September 28, 2008, which provided data indicating that Nevada's total unemployment rate (TUR) qualified for extended unemployment benefits based on the provisions of 26 U.S.C. 3304 (P.L. 102-318). This information is summarized below:

	3-month TUR	Prior Year TUR	2nd Prior Year TUR
P.L. 102-318	6.5%	110%	110%
NV, per Trigger Notice 2008-37	6.7%	139%	159%

- 9. Action and reason for approval or denial:** Based on the foregoing information, we are approving Nevada's request for a statewide waiver under a new waiver number (# 2090003) for 1-year to exempt ABAWDs in the entire State from the work requirement provisions of 7 CFR 273.24, including the areas currently exempted under Nevada's current waivers (# 2040058 and # 2080023). This statewide waiver will supersede both of these waivers, which will expire on November 30, 2008. Qualifying for extended unemployment benefits as determined by the Unemployment Insurance Service, DOL, is listed in 7 CFR 273.24(f)(2)(ii) as acceptable evidence of insufficient jobs in an area.
- 10. Regulatory or legislative basis for action:** This waiver is approved under the authority of 7 CFR 273.24(f), which allows FNS to waive the applicability of the work requirement provision for any group of individuals in the State if FNS determines that the area in which the individuals reside has insufficient jobs.
- 11. Conditions and reasons:** n/a
- 12. Information required for extension:** To receive an extension, the State agency must provide data in 2009 indicating that the State continues to have insufficient jobs.
- 13. Expiration date:** This waiver is approved effective December 1, 2008 and will expire on November 30, 2009.
- 14. Limitation on regional office approval of like requests:** This waiver is limited to the Nevada State Agency.
- 15. Quality control procedures:**
- 16. Date of State agency's request:** October 3, 2008
- 17. Date of regional office transmittal of request to national office:** October 3, 2008
- 18. Date of national office action:**
- 19. Actual implementation date:**

TRIGGER NOTICE NO. 2008 - 37  
STATE EXTENDED BENEFIT (E.B.) INDICATORS UNDER P.L. 102-318  
Effective September 28, 2008

			INDICATORS						STATUS	
			13 Weeks Insured Unemployment Rate	Percent of Prior 2 Years	3 months S.A. T.U.R.	Percent of prior			Begin Date(B) End Date(E)	
						Year	Second Year	Available Weeks		Periods
	&	Alabama	1.92	125	4.9	136	140		E 06-04-1983	
@		Alaska	2.76	104	6.8	109	106	WILL	E 10-11-2008	
	&	Arizona	1.97	156	5.2	140	130		E 10-23-1982	
	&	Arkansas	2.75	114	4.8	87	90		E 03-26-1983	
	&	California	3.09	145	7.3	135	148		E 07-09-1983	
	&	Colorado	1.19	123	5.2	136	118		E 01-24-1981	
		Connecticut	2.85	121	5.9	131	134		E 01-24-1981	
	*	& Delaware	2.37	124	4.5	136	128		E 07-17-1982	
	&	District of Col	1.04	118	6.7	117	115		E 01-24-1981	
	*	& Florida	2.40	177	6.1	148	179		E 01-24-1981	
	*	& Georgia	2.04	144	6.0	136	133		E 01-24-1981	
	&	Hawaii	2.04	180	4.0	153	160		E 01-24-1981	
	&	Idaho	2.00	160	4.2	155	135		E 06-22-2002	
	&	Illinois	2.38	122	7.1	139	157		E 06-25-1983	
	&	Indiana	2.27	135	6.2	137	124		E 04-30-1983	
	*	& Iowa	1.57	124	4.3	113	116		E 06-04-1983	
		Kansas	1.48	117	4.5	112	102		E 11-06-1982	
	*	& Kentucky	2.10	129	6.6	120	113		E 03-19-1983	
	&	Louisiana	1.48	121	4.2	113	120		E 02-25-2006	
	&	Maine	1.61	127	5.4	112	114		E 06-25-1994	
	&	Maryland	1.97	137	4.3	119	110		E 07-31-1982	
	*	& Massachusetts	2.90	122	5.2	118	108		E 06-29-1991	
	&	Michigan	3.39	116	8.6	121	124		E 01-17-2004	
	&	Minnesota	1.52	116	5.8	128	152		E 06-18-1983	
	&	Mississippi	2.40	127	7.5	119	113		E 07-16-1983	
	&	Missouri	2.04	116	6.2	121	129		E 06-19-1982	
	&	Montana	1.64	128	4.2	135	131		E 06-04-1983	
	&	Nebraska	1.04	104	3.4	109	109		E 01-24-1981	
	&	Nevada	2.98	173	6.7	139	159		E 04-23-1983	
	*	& New Hampshire	1.44	141	4.0	114	114		E 01-24-1981	
		New Jersey	3.32	116	5.5	130	117		E 06-19-1982	
		New Mexico	1.72	117	4.2	120	100		E 11-27-1982	
	&	New York	2.33	114	5.4	117	117		E 01-24-1981	
		North Carolina	2.54	134	6.5	138	135	13WILL	B 10-05-2008	
	*	& North Dakota	0.74	112	3.4	106	106		E 06-11-1983	
	&	Ohio	2.18	135	7.1	124	129		E 05-14-1983	
	&	Oklahoma	1.13	115	4.0	90	97		E 01-24-1981	
		Oregon	3.14	141	6.0	115	111		E 01-10-2004	
	&	Pennsylvania	3.25	116	5.5	127	119		E 08-06-1983	
	&	Puerto Rico	4.90	138	11.4	100	106		E 01-01-2000	
@		Rhode Island	3.23	122	7.9	158	154	13	B 07-06-2008	

	&	<b>South Carolina</b>	2.92	139	6.9	118	109		E 03-19-1983
*	&	<b>South Dakota</b>	0.40	97	3.0	103	96		E 01-24-1981
	&	<b>Tennessee</b>	1.91	124	6.6	143	126		E 09-25-1982
	&	<b>Texas</b>	1.24	114	4.7	109	95		E 01-24-1981
*	&	<b>Utah</b>	1.08	168	3.5	129	120		E 06-25-1983
		<b>Vermont</b>	2.06	126	4.8	126	126		E 07-13-1991
	&	<b>Virgin Islands</b>	1.59	130	4.2	127	175		E 08-06-1983
	&	<b>Virginia</b>	1.12	129	4.4	141	141		E 01-24-1981
*		<b>Washington</b>	1.96	130	5.7	126	116		E 01-10-2004
	&	<b>West Virginia</b>	1.84	109	4.6	100	93		E 07-13-1991
	&	<b>Wisconsin</b>	2.76	125	4.9	100	104		E 06-18-1983
*	&	<b>Wyoming</b>	0.76	111	3.6	116	116		E 06-13-1987

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Total Number "ON": 2

0

2

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\* - State does not have 6 % I.U.R option in law

& - State does not have T.U.R option in law

September 25, 2008

@ - State "ON" by 3-month average T.U.R

I.U.R reflects 13-week period ending September 13, 2008

T.U.R reflects avg. seasonally adjusted T.U.R for 3-month period end August 2008