

February 26, 2009

2020019

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

TO: William Kluxen, Regional Director
Supplemental Nutrition Assistance Program
Mid-Atlantic Regional Office

This is in response to the Pennsylvania Department of Public Welfare's (DPW's) request to modify and extend waiver no. 2020019 to exempt all able-bodied adults without dependents (ABAWDs) in Pennsylvania from the work requirements of 7 CFR 273.24(f), based on the State's eligibility for extended unemployment benefits under the Department of Labor (DOL) Unemployment Insurance Service's Trigger Notice number 2009-1, effective January 18, 2009. Pennsylvania remains on the DOL's latest Trigger Notice number 2009-6, effective February 22, 2009. The Food and Nutrition Service can approve statewide ABAWD waivers when a State is designated as "ON" in a DOL Trigger Notice. The Mid-Atlantic Regional Office recommends approval of this waiver.

Food and Nutrition Service (FNS) is approving this waiver for one year, effective February 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 1, 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 Larry Tropp at (703) 305-2504 or at larry.tropp@fns.usda.gov

/s/

Angela Kline
Assistant Branch Chief
Certification Policy Branch
Program Development Division

Attachment

FILE:FNS:SNAP:PDD:CPB:LTropp::305-2504:2/26/09:cf:2/26/09
DIR S:SNAP:CPB:WAIVERS:FY2009: 2020019 PA ABAWD 2009 mod & ext:

Symbol	Surname	Date	Symbol	Surname	Date

cc: ABAWD waiver list
Mike DePiro, OANE

WAIVER RESPONSE

1. **Waiver serial number:** 2020019
2. **Type of request:** Modification and extension
3. **Primary regulation citation:** 7 CFR 273.24(f)
4. **Secondary regulation citation:** None
5. **State:** Pennsylvania
6. **Region:** MARO
7. **Regulatory requirements:** The Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 273.24(b), provide that no individual shall be eligible to participate in SNAP, 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, 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:** Pennsylvania is requesting a modification and extension of its existing waiver to exempt all residents of the entire state from the time limit for the period from February 1, 2009 through January 31, 2010. DPW has submitted DOL's report entitled "Second Tier EUC Triggers Under P.L. 110-449," effective January 18, 2009, which shows that Pennsylvania is entitled to extended unemployment compensation benefits. The Trigger Notice shows that the State's 13-week insured unemployment rate (IUR) of 4.15 percent exceeds the statutory minimum IUR of at least 4.0 percent. DOL's most recent Trigger Notice No. 2009-6, effective February 22, 2009 indicates that Pennsylvania continues to be entitled to extended unemployment 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 Pennsylvania 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 or if its IUR is at least 4 percent for the previous 13 weeks. The State qualifies for emergency unemployment benefits based a 13-week IUR of 5.25 percent.
10. **Regulatory or legislative basis for action:** The waiver is approved pursuant to 7 CFR 273.24(f), which allows the Secretary to waive the applicability of the work requirement provision for any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside has insufficient jobs. Designation as "on" in a DOL Unemployment Insurance Service Trigger Notice qualifies a State agency for a statewide ABAWD waiver.
11. **Conditions and reasons:** None
12. **Information required for extension:** Although Pennsylvania's waiver expires on January 31, 2010, ABAWDs in Pennsylvania will continue to be exempt from the ABAWD restrictions at 7 CFR 273.24 through September 30, 2010 under the nationwide suspension of ABAWD restrictions 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 waivers 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 February 1, 2009 and will expire January 31, 2010.
14. **Limitation, if any, on regional office approval of like requests:** Approval of this waiver is limited to the Pennsylvania Department of Human Services.
15. **Quality control procedures:** None
16. **Date of the national office's action:** February 24, 2009
17. **Date of the state agency's request:** January 29, 2009
18. **Date of the regional office transmittal of the request to the national office:** February 2, 2009
19. **Date of the regional office's transmittal of the response to the state agency:**
20. **Actual implementation date:**