



OCT 17 2008

United States
Department of
Agriculture

970051

Food and
Nutrition
Service

SUBJECT: SNAP – Rhode Island – ABAWD Waiver 970051 – 7 CFR 273.24

3101 Park
Center Drive

TO: Mary Ann Ferris, Director
Supplemental Nutrition Assistance Program
Northeast Region

Alexandria, VA
22302-1500

This is in response the Rhode Island State agency's request to extend and modify and extend its current waivers exempting certain 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. 2008-30. This waiver modification, which will retain the designation of waiver no. 970051, would supersede currently approved waiver nos. 970051 and 2070033, both of which are scheduled to expire on April 30, 2009.

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.

Patrick Waldron
Chief
Certification Policy Branch
Program Development Division

WAIVER RESPONSE

1. **Waiver serial number:** 970051
2. **Type of request:** Modification and Extension
3. **Primary regulation citation:** 7 CFR 273.24(f)
4. **Secondary regulation citation:**
5. **State:** Rhode Island
6. **Region:** NERO
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:** Rhode Island 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.

The Department of Labor's Trigger Notice No. 2008-30¹ shows the State's 3-month average total unemployment rate (TUR) at: (1) 6.9 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 Rhode Island 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. 2008-30, effective August 10, 2008, which provides data indicating that Rhode Island'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 November 1, 2008 and will expire October 31, 2009. This waiver approval supersedes current waiver nos. 970051 and 2070033, both of which were approved through April 30, 2009.
14. **Limitation on regional office approval of like requests:** This waiver is limited to the Rhode Island State Agency.
15. **Quality Control Procedures:** n/a
16. **Date of national office action:**
17. **Date of State agency's request:** September 5, 2008
18. **Date of regional office transmittal to the national office:** September 12, 2008

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.

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