



OCT 21 2008

United States
Department of
Agriculture

970084

Food and
Nutrition
Service

SUBJECT: SNAP – Tennessee – Able-bodied Adults Without Dependents (ABAWD)
Waiver of 7 CFR 273.24

3101 Park
Center Drive

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

Alexandria, VA
22302-1500

This is in response to the Tennessee State Agency's request of September 17, 2008, to modify and extend its ABAWD waiver, which exempts individuals residing in the entire state from the work requirements of 7 CFR 273.24 based on qualifying for extended unemployment benefits. The State agency has asked for a one-year approval from November 1, 2008 to coincide with the State agency's 36-month ABAWD period.

Although the State agency's current ABAWD waiver exempting individuals residing in 91 counties is not set to expire until March 31, 2009, not all counties are included in the current waiver. This waiver would add the remaining four counties of Williamson, Rutherford, Davidson, and Knox effective November 1, 2008, as well as extend the period of time that the waiver is effective.

Our response approving the State agency's request is attached. If you have any questions, please contact Vicky Robinson at vicky.robinson@fns.usda.gov or at (703) 305-2476.

Angela Kline
Assistant Branch Chief
Certification Policy Branch
Program Development Division

Attachments

WAIVER RESPONSE

1. **Waiver Serial Number:** 970084
2. **Type of Request:** Extension and Modification
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:** N/A
5. **State:** Tennessee
6. **Region:** Southeast
7. **Regulatory Requirement:** Under 7 CFR 273.24(b) individuals are not 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 of the Act or a comparable program established by the State.

Under 7 CFR 273.24(f), upon the request of a State agency, the FNS may waive the applicability of the above provision for any group of individuals in the State if the 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:** The Tennessee State agency is requesting to modify and extend its current ABAWD waiver to exempt individuals residing in the entire state from the work requirements of 7 CFR 273.24 based on qualifying for extended unemployment benefits. This modification would effectively add the remaining four counties of Williamson, Rutherford, Davidson, and Knox.

26 USC 3304 (Public Law 102-318) gives 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

970084

Page 2

for the corresponding three-month period ending in either or both of the two preceding calendar years.

The Department of Labor's Trigger Notice No. 2008-31 shows the State's 3-month average total unemployment rate (TUR) was (1) 6.6 percent and (2) 143 and 124 percent of the 3-month average for the corresponding period in the first and second year, respectively.

9. **Action and reason for approval or denial:** We are approving the State Agency's request to exempt individuals residing in the entire State from work requirements of 7 CFR 273.24 based on the State qualifying for extended benefits. This approval adds the remaining four counties of Williamson, Rutherford, Davidson, and Knox effective November 1, 2008.

The State agency requested and we are approving a one-year approval from November 1, 2008 to coincide with its 36-month ABAWD period that will expire October 31, 2008. An individual's ABAWD count would not be interrupted and all counties would be at the same starting point.

10. **Regulatory or legislative basis for action:** This waiver is approved under the authority in 7 CFR 273.24(f) which allows the FNS to waive the applicability of the work requirement provision in 7 CFR 273.24 for any group of individuals in the State if the FNS makes a determination that the area in which the individuals reside has insufficient jobs.
11. **Conditions and reasons:** Not applicable.
12. **Information required for extension:** To receive an extension the State agency must provide data for the affected areas indicating that there continue to be insufficient jobs for individuals subject to 7 CFR 273.24.
13. **Expiration date:** This waiver is effective November 1, 2008 and will expire October 31, 2009.
14. **Limitation, if any, on regional office approval of like requests:** This waiver is limited to the Tennessee State Agency.
15. **Quality control procedures:** N/A
16. **Date of national office action:** October 17, 2008

17. **Date of State agency's request:** September 17, 2008.
18. **Date of regional office transmittal of request to national office:** September 18, 2008.
19. **Date of regional office transmittal of response to State agency:**
20. **Actual implementation date:**