

STATE WAIVER REQUEST

1. **Waiver Serial Number (if applicable):**
2. **Type of request:** New
3. **Regulatory citation:** 7 CFR 273.7(f)(1)(i), 273.7(i)(1), and 273.24(b)(2)
4. **Secondary regulation citation, if any:**
5. **State:** Ohio
6. **Region:** Midwest Region
7. **Regulatory requirements:** The Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 273.7(f)(1)(i) require that as soon as the State agency learns of the individual's work requirements noncompliance, it must determine whether good cause for the noncompliance exists. Within 10 days of establishing that the noncompliance was without good cause, the State agency must provide the individual with a notice of adverse action, and if the State agency offers a reconciliation process as part of its E&T program, it must issue the notice of adverse action no later than the end of the conciliation period.

The SNAP regulations at 7 CFR 273.7(i)(1) require that State agency is responsible for determining good cause when a SNAP recipient fails or refuses to comply with SNAP work requirements. Since it is not possible for the Department to enumerate each individual situation that should or should not be considered good cause, the State agency must take into account the facts and circumstances, including information submitted by the employer and by the household member involved, in determining whether or not good cause exists.

The SNAP regulations at 7 CFR 273.24(b)(2) require that the State agency, if an individual would have worked an average of 20 hours per week but missed some work for good cause, the individual shall be considered to have met the work requirement if the absence from work is temporary and the individual retains his or her job. Good cause shall include circumstances beyond the individual's control, such as, but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, or the unavailability of transportation.

8. **Proposed alternative procedures:** The Ohio Department of Job and Family Services is requesting a waiver of the regulatory requirement to establish good cause on an individual basis as outlined above. Rather, Ohio would grant good cause to all ABAWDs and SNAP Employment and Training required individuals due to COVID-19 from March 1, 2020-June 30, 2020.
9. **Justification for request:** On January 31, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern as well as Health and Human Services Secretary, Alex M. Azar II, declared a public health emergency for the United States. The

Governor of Ohio, Mike DeWine, declared a state of emergency of the entire state of Ohio on March 9, 2020, (Executive Order 2020-01D) to protect the well-being of the citizens of Ohio from the dangerous effects of COVID-19. In addition to the state-declared state of emergency, on March 13, 2020, President Trump declared a national state of emergency over the COVID-19 pandemic. Approval of this waiver will assist in protecting the lives, safety and health of the citizens of Ohio due to limiting personal contact (social distancing) to help prevent the rapid spread of this virus.

Approval of this request would recognize the significant number of unique and unusual circumstances beyond an individual's control that could prevent an individual from meeting the SNAP E&T requirements and the ABAWD work requirement during these extraordinary circumstances, as we observe significant shifts in the statewide economy, as well as closures of local organizations, government offices, schools, and child care programs. Ohio also believes that it is in the best interest of general public safety to grant good cause from SNAP E&T and the ABAWD work requirement during these extraordinary circumstances, in order to facilitate compliance with social distancing measures recommended by public health experts to prevent the spread of COVID-19.

Additionally, this waiver will allow county agencies the time to focus on new SNAP applications rather than processing changes that would sanction or terminate clients' benefits and requesting/obtaining documentation of good cause from the individual.

- 10. Anticipated impact on households and State agency operations:** SNAP applicants and recipients will continue receiving SNAP benefits without interruptions during the extraordinary circumstances caused by this public health emergency. County agencies, SNAP E&T providers and, and SNAP applicants and recipients will be better equipped to follow local, state, and federal guidance to isolate and stop the spread of COVID-19.
- 11. Caseload information, including percent, characteristics, and quality control error rate for affection portion (if applicable):** This waiver will apply to all SNAP applicant and recipient households. Ohio's federal fiscal year (FFY) 2018 quality control error rate was 7.46%. The number of SNAP recipients as of January 2020 was 1,331,462.
- 12. Anticipated implementation date and time period for which waiver is needed: Good cause would be applied from** March 1, 2020 through June 30, 2020.
- 13. Proposed quality control review procedures:** Cases will be reviewed in accordance with this waiver approval.
- 14. State agency submitting waiver request and State contact person:** Ohio Department of Job and Family Services, Betsy Suver.
- 15. Signature and title of requesting official:**

 Betsy Suver
Betsy Suver

Bureau Chief, Bureau of Cash/Food Policy & Technical Support
Betsy.Suver@jfs.ohio.gov

16. Date of request: May 29, 2020

17. State agency staff contact (name/email/telephone): Ashley Howard, Ashley.Probst@jfs.ohio.gov,
(614) 644-1680

18. Regional office contact person: Jenie Farinas, Jenie.Farinas@usda.gov