



MAR 31 2014

Food and
Nutrition
Service

SUBJECT: Early Denial Waivers

Park Office
Center

TO: All Regional Directors
Supplemental Nutrition Assistance Program

3101 Park
Center Drive
Alexandria
VA 22302

As you know, the Food and Nutrition Service (FNS) has recently undertaken a review of its waiver processes and the effectiveness of its approved waivers. Specifically, FNS has recently reviewed the “Early Denial” waiver, also known as “10-Day Denial” waiver, which waives Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 273.2(g)(3) and 7 CFR 273.2(h)(2). Currently, 24 States utilize this waiver.

FNS regulations allow households 30 days to provide verification prior to denying the household’s application. The regulations stipulate that a State agency must provide households with a statement of needed verification and offer to assist the household in obtaining required verification. The regulations further provide that a State agency must give the client at least 10 days to provide the missing verification.

Under the waiver, State agencies may deny an application if the applicant fails to provide verification within 10 days of the State agency’s request. However, the client still has the right to provide the information by the 30th day and if she or he does so, the application must not be denied.

Early Denial waivers have provided administrative flexibilities to State agencies by allowing them to better manage work processes and meet 30 day timeliness requirements. Additionally, the waiver may avoid a disruption in benefits by encouraging households to return needed verification prior to the 30th day.

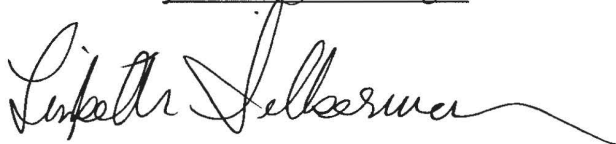
However, as with all waivers, FNS must balance the administrative benefits with the impact on client access. Recently, it has come to FNS’ attention that this waiver has not been applied consistently by State agencies. For example, some of the early denial notices are not clearly explaining that the client’s benefits will not be disrupted if he or she provides the verification by the 30th day, per the regulatory requirements. Furthermore, after a review of the waiver approvals, it appears that the waivers have various terms and conditions and waiver approval dates.

FNS has considered this issue at length and has determined to continue offering this waiver. However, all future approvals will be subject to the following waiver conditions:

- Per the March 20, 2014, “Waiver Process Update” memorandum, this waiver will no longer have an indefinite waiver approval date. All indefinite waivers will expire on April 30, 2015, and the State agency must reapply for this waiver. <http://www.fns.usda.gov/waiver-process-update>.

- Consistent with the requirements of 7 CFR 273.10(g)(1)(ii), the Notice of Denial provided to impacted households **must** contain clear language notifying the client as to:
 - 1. Why their application was denied, per 7 CFR 273.10(g)(1)(ii), and that
 - 2. Their application will be reopened if the required verification is received within 30 days of the date of application and, if eligible, benefits will be provided from the date of application.
- The State must inform households of the 10-day standard in writing and notify households at the interview of the date by which the household must provide any missing verification.
- The State must assist households in obtaining verification in accordance with 7 CFR 273.2(f)(5)(i).
- Households that fail to provide required verification within the 10-day period may be denied. If the verification is provided within 60 days of the application date, the State must act on the verification without requiring a new application per SNAP regulation 7 CFR 273.2(h)(2)(A).
- If the household provides missing verification within the initial 30-day period, the State must reopen the application and if eligible, provide benefits from the date of application. If the household does not provide the missing verification until the second 30 days after filing an application, the State agency must reopen the application and provide benefits from the date the household furnished the missing verification.
- FNS will consider an extension of this waiver if the data provided does not indicate any negative effects on program access or integrity among the households subject to the waiver. The data required for extension shall include:
 - 1. Any complaints related to this waiver which can be related to the denial action or rescind action if the customer supplied the necessary information within either 30 or 60 days.
 - 2. Any significant changes in the number of rescind actions on initial applications following the implementation of the waiver.

In the upcoming months, FNS will continue to monitor the impact of this waiver on client access and will provide further guidance as appropriate. We appreciate your assistance in working with us to improve the waiver process. If you have any questions, please contact Julie Tate at julie.tate@fns.usda.gov.



Lizbeth Silberman
Director
Program Development Division