



Eric Holcomb, Governor  
State of Indiana

***Division of Family Resources***  
402 W. WASHINGTON STREET, ROOM W392  
INDIANAPOLIS, IN 46204-2747

April 9, 2020

Julie Mikkelson, Director  
Supplemental Nutrition Assistance Program  
USDS, Food and Nutrition Service  
77 West Jackson Blvd 20<sup>th</sup> Floor  
Chicago, IL 60604-3507

Dear Ms. Mikkelson:

Attached please find a new waiver request in response to the March 13, 2020, national declaration of emergency due to the coronavirus (COVID-19) pandemic as well as the public health emergency declared in Indiana on March 6, 2020.

Indiana is requesting a waiver of the 60 day timeline for conducting a fair hearing, reaching a decision and notification of the decision.

If you have any questions or comments, please contact David Smalley at [David.Smalley@fssa.in.gov](mailto:David.Smalley@fssa.in.gov) or (317) 232-2010.

Thank you for your consideration of this request.

Sincerely,

Adrienne Shields, Director  
FSSA/Division of Family Resources



## STATE WAIVER REQUEST

**1. Waiver Serial Number (if applicable):**

**2. Type of request:** New

**3. Statutory citation:** Families First Coronavirus Response Act

**4. Regulatory citation:** 7 CFR 273.15 (c)(1)

**5. State:** Indiana

**6. Region:** MWRO

**7. Regulatory requirements:**

7 CFR 273.15 (c)(1) Timely action on hearings-(1) State level hearings. Within 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency are notified of the decision. Decisions that result in an increase in household benefits shall be reflected in the household's EBT account within 10 days of the receipt of the hearing decision even if the State agency must provide supplementary benefits or otherwise provide the household with an opportunity to obtain the benefits outside of the normal issuance cycle. However, the State agency may take longer than 10 days if it elects to make the decision effective in the household's normal issuance cycle, provided that the issuance will occur within 60 days from the household's request for the hearing. Decisions which result in a decrease in household benefits shall be reflected in the next scheduled issuance following receipt of the hearing decision.

**8. Description of alternative procedures:**

Indiana requests a waiver of the 60 day timeline for conducting a fair hearing, reaching a decision and notification of the decision. We are requesting that this timeline be adjusted to 90 days.

**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 Indiana, Eric Holcomb, declared a state of emergency of the entire state of Indiana on March 6, 2020, (Executive Order 20-02) to protect the well-being of the citizens of Indiana 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.

The approval of this waiver would allow Indiana to postpone all pending cases between the State and SNAP applicants/recipients involving the termination or reduction of existing

benefits. The postponing of fair hearings during these initial months of the public health emergency will ensure that we can appropriately prioritize our staff responsibilities and offer SNAP recipients an adjustment period before benefits are reduced or terminated. As well, there are staff who accept hearing requests, schedule the hearings and provide the 10 day notice to households when requests are withdrawn that may be adversely affected by this public health emergency and thus not available to perform these duties or have caused existing staff resources to be at risk.

**10. Anticipated impact on households and State agency operations:**

This waiver will allow households to have adequate time to submit applicable documentation for the hearing record and the hearing officer will have sufficient time to render a thorough and sound hearing decision.

**11. Caseload information:**

This waiver will apply to all SNAP applicant and recipient households who have requested a hearing. Indiana's federal fiscal year (FFY) 2018 quality control error rate was 7.18%. The number of SNAP recipients as of January 2020 was 561,268.

**12. Anticipated implementation date and time period for which waiver is needed:**

Immediately upon approval for the period of time during which Indiana is under a state of emergency due to COVID-19 or a minimum of 90 days.

**13. Proposed quality control review procedures:**

None affected.

**14. State agency submitting waiver request and State contact person:**

Indiana: David Smalley, 317-232-2010, [david.smalley@fssa.in.gov](mailto:david.smalley@fssa.in.gov)

**15. Signature and title of requesting official:**



Adrienne Shields

Director, FSSA/Division of Family Resources

Email: [adrienne.shields@fssa.in.gov](mailto:adrienne.shields@fssa.in.gov)

**16. Date of request:**

April 9, 2020

**17. State agency staff contact (name/email/telephone):**

David Smalley, 317-232-2010, [david.smalley@fssa.in.gov](mailto:david.smalley@fssa.in.gov)

**18. Regional office contact person (to be completed by FNS regional office):** Jenie Farinas,

[Jenie.Farinas@fns.usda.gov](mailto:Jenie.Farinas@fns.usda.gov)