

June 7, 2006

980013

SUBJECT: FSP - Arkansas - FSP - Request to Waive 7 CFR 273.24

TO: Judy K. Barron, Regional Director  
Food Stamp Program  
Southwest Region

This is in response to the Arkansas State Agency's amended request to exempt individuals residing in certain areas from the work requirements of 7 CFR 273.24 based on insufficient jobs. The areas include 27 counties and 2 cities. Arkansas is requesting these areas because they meet one or more of the following criteria:

- Has been identified as a labor surplus area; or
- Had an unemployment rate more than 20 percent above the national average during the calendar year (CY) 2004.

We are approving 24 counties and 3 cities based on their FY 2006 LSA designation. We are approving three counties: Arkansas, Jefferson, and Lafayette because the unemployment rate for these counties is 20 percent above the national average for CY 2004-2005.

Our detailed response is attached. If you have any questions, please contact Celeste Perkins of my staff at (703) 305-2507.

/s/

Harriet Kornegay  
Assistant Branch Chief  
Certification Policy Branch  
Program Development Division

Attachment

cc: All Regions except SWRO

FINAL:USDA:FNS:FSP:PDD:CPB:CPerkins:05/19/06:so  
DIR:I/CPB/Waivers/FY 2006/970013 AR ABAWD Amended Mod. & Ext.(2006)

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## WAIVER RESPONSE

1. **Waiver serial number:** 980013
2. **Type of request:** Modification and Extension
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:**
5. **State:** Arkansas
6. **Region:** SWRO
7. **Regulatory Requirements:** 7 CFR 273.24 provides 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; did not participate in and comply with the requirements of a work program for 20 hours or more per week; or did not participate in and comply with requirements of a program under Section 20 or a comparable program established by the State.

7 CFR 273.24(f) also provides that, upon the request of a State agency, the Food and Nutrition Service (FNS) 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:** In the State's original waiver extension request, the State agency asked us to exempt the 42 counties in the Delta Regional Authority (DRA) based on unsubstantiated documentation in attachment II that the Delta Region is an area lacking in sufficient jobs. None of the submitted documents were published in an academic study or other publication in accordance with 7 CFR 273.24(f)(2)(ii). In a subsequent contact with the region a recommendation was made to approve only the LSA counties (and cities) and 3 additional counties that qualify for a waiver based on having an unemployment rate (6.4%) over 120% of the national average. Based on subsequent e-mails from the Region, the State agency is requesting an amended extension and modification of waiver #980013 to encompass twenty-seven counties and three cities.

The following 24 counties and 2 cities are designated as labor surplus areas (LSAs) for fiscal year (FY) 2006 by the Employment and Training Administration of the Department of Labor (DOLETA):

Ashley County  
Bradley County

Calhoun County  
Chicot County  
Clay County  
West Memphis City in Crittenden County  
Cross County  
Dallas County  
Desha County

Drew County  
Hot Springs City in  
Garland County  
Izard County  
Jackson County  
Lawrence County  
Lee County  
Lincoln County  
Mississippi County  
Monroe County

Ouachita County  
Phillips County  
Randolph County  
Sharp County  
St. Francis County  
Stone County  
Union County  
Woodruff County

The following three counties would qualify for a waiver based on having an unemployment rate over 120% of the national average (6.4%) for CY 2004-2005: Arkansas (6.4%), Jefferson (7.6%), and Lafayette (7.3%).

9. **Action and reason for approval or denial:** We are approving this waiver as amended because the majority of the areas requested are exempt from the work requirements based on the designation of the 24 counties and 2 cities as Labor Surplus Areas (LSAs) by the Employment and Training Administration of the U.S. Department of Labor (DOLETA). The other three counties: Arkansas, Jefferson, and Lafayette, have an average unemployment rate of at least 20 percent above the national average during a recent 24-month time period (CY 2004-2005). All of the raw data supporting the calculations are from the Bureau of Labor Statistics website.
10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 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 does not have a sufficient number of jobs to provide employment for the affected individuals.
11. **Conditions and reasons:** N/A
12. **Information required for extension:** To receive an extension the State agency must provide verifiable data as outlined in 7 CFR 273.24(f) indicating that there are insufficient jobs in the affected areas. Such data can be found on the State DOL or Federal DOL, BLS web sites.
13. **Expiration date:** The waiver will expire on April 30, 2007
14. **Limitation on regional office approval of like requests:** This waiver is limited to the Arkansas State Agency.
15. **Quality Control Procedures:** N/A
16. **Date of national office action:**
17. **Date of State agency's request:** March 1, 2006

**18. Date of regional office transmittal to the national office:**

**19. Actual implementation date:**