

April 22, 2008

970148

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

TO: Dennis Stewart, Director
Food Stamp Program
Western Region

This is in response to your memorandum of March 5, 2008, transmitting Arizona State agency's request to modify and extend its waiver which exempts certain individuals from the work requirements of 7 CFR 273.24. The State based its determination of insufficient jobs on U.S. Department of Labor, Bureau of Labor Statistics and Census 2000 data.

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

/S/

Harriet Kornegay
Acting Branch Chief
Certification Policy Branch

Attachment(s)

cc: All Regions (except WRO)
Bob Dalrymple, ORNA
John Knaus, PDB
Lorena Carrasco, CR

FINAL:FNS:FSP:PDD:CPB:VROBINSON:rh:04-18-08
DIR:I:CPB:WAIVERS:FY2008:970148 AZ ABAWD mod & ext:970148 AZ - ABAWD
mod & ext.

WAIVER RESPONSE

1. **Waiver serial number:** 970148
2. **Type of request:** Extension and Modification
3. **Primary regulation citation:** 7 CFR 273.24(f)
4. **Secondary regulation citation:**
5. **State:** Arizona
6. **Region:** Western
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; did not participate in and comply with requirements of a program under Section 20 or a comparable program established by the State; or was exempt from these requirements.

7 CFR 273.24(f) also provides that, upon the request of a State agency, the Secretary 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. **Proposed alternative procedures:** The Arizona State Agency is requesting a 2-year extension of its waiver which exempts certain individuals from the work requirements of 7 CFR 273.24 based on insufficient jobs. The State agency is requesting to extend its waiver in the following geographic areas:
 - Apache, Cochise, Coconino, Gila, Graham, Greenlee, La Paz, Mohave, Pinal, Santa Cruz, Yavapai, and Yuma counties;
 - Towns of Ajo and Sells within Pima County;
 - Town of Youngtown within Maricopa County;
 - Fort McDowell, Gila River, and Salt River Indian Reservation areas (Maricopa County);
 - Pascua Yaqui Reservation area (Pima County); and
 - Tohono O'odham Reservation areas (also known as Papago, part of Maricopa, Pima, and Pinal Counties).

The areas of El Mirage and Sun City West within Maricopa County have been removed as they no longer qualify for an exemption. Note that although the State agency did not originally list Navajo County except in its cover letter and in its computations provided for the 13-county area, the State agency has since provided clarification that it meant to include Navajo County.

The State agency obtained data from the Bureau of Labor Statistics (BLS), showing that the 13 counties requested had an unemployment rate of at least 20 percent above the national unemployment rate of 4.8 percent, or 5.7 percent, for the 36-month period of December 2004 through November 2007 as follows:

National Unemployment Rate (UER):

Labor Force	Unemployed	UER
5,440,637,000	260,254,000	5.7

Area	Labor Force	Unemployed	UER
Apache County	716,128	70,069	
Cochise County	2,017,190	90,508	
Coconino County	2,458,577	107,409	
Gila County	746,286	38,773	
Graham County	477,129	23,776	
Greenlee County	136,031	5,278	
La Paz County	276,058	16,383	
Mohave County	3,266,582	141,918	
Navajo County	1,344,412	98,404	
Pinal County	3,232,969	165,132	
Santa Cruz	582,379	46,350	
Yavapai	3,400,538	135,604	
Yuma	2,737,452	408,937	
Totals	21,391,731	1,348,541	6.3

The State agency also used 2000 Census and whole county data obtained from BLS to compute unemployment rates for the tribal areas. Each tribal area has an unemployment rate of at least 20 percent above the national average of 4.8, or 5.7 percent, for the 36-month period of December 2004 through November 2007 as follows:

Tribal Areas waived @20% for 36-month period 12/2004 through 11/2007									
Tribal Area	Whole County Employed	Census Share Ratio-Employed	# of Employed	Whole County Unemployed	Census Share Ratio-Unemployed	# of Unemployed	Total Labor Force	Unemployment Rate	UER Percentage
Ajo (Pima County)	15,465,861	0.002632	40,712	651,284	0.004784	3,115	43,827	0.071084	7.1
Sells (Pima County)	15,465,861	0.001715	26,529	651,284	0.011385	7,415	33,944	0.218439	21.8
Youngtown (Maricopa County)	66,242,041	0.000585	38,753	2,440,480	0.000959	2,340	41,093	0.056935	5.7
Fort McDowell (Maricopa County)	66,242,041	0.000128	8,493	2,440,480	0.000479	1,170	9,663	0.121061	12.1
Gila River (Maricopa County)	66,242,041	0.000394	26,129	2,440,480	0.002848	6,950	33,079	0.210103	21.0
Salt River (Maricopa County)	66,242,041	0.001295	85,768	2,440,480	0.002721	6,640	92,408	0.07186	7.2
Pasqua Yaqui (Pima County)	15,465,861	0.002395	37,041	651,284	0.009424	6,137	43,179	0.14214	14.2
Tohono O'odham (Maricopa County)	66,242,041	0.000063	4,177	2,440,480	0.000832	2,030	6,207	0.327048	32.7
Tohono O'odham (Pima County)	15,465,861	0.005405	83,593	651,284	0.029084	18,942	102,535	0.184736	18.5
Tohono O'odham (Pinal County)	3,067,837	0.002398	7,358	165,132	0.007217	1,192	8,550	0.139391	13.9

9. **Action and reason for approval or denial:** We are approving the State agency's request in full. Able-Bodied Adults Without Dependents (ABAWDs) who reside on the aforementioned areas will be exempt from work requirements based on insufficient jobs.
11. **Regulatory or legislative basis for action:** The waiver is approved pursuant to 7 CFR 273.24(f), which allows the Secretary to waive the applicability of the work requirement provision for any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside has insufficient jobs.
12. **Conditions and reasons:** None.
13. **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.
14. **Expiration date:** The waiver is approved for 2-years, effective May 1, 2008 through April 30, 2010.

15. **Limitation on regional office approval of like requests:** Approval of this waiver is limited to the Arizona State agency.
16. **Quality control procedures:** N/A
17. **Date of national office action:** March 25, 2008
18. **Date of State agency's request:** February 6, 2008
19. **Date of regional office transmittal of response to State agency:** March 5, 2008.
20. **Actual implementation date:**