

March 12, 2004

970118

SUBJECT: FNS – District of Columbia – Request to Extend ABAWD  
Waiver 970118 – Labor Surplus Area

TO: Joseph Weingart, Director  
Food Stamp Program  
Mid-Atlantic Region

This is in response to the District of Columbia State Agency's request dated February 11, 2004, for an extension of waiver #970118, which exempted individuals residing in the District from the work requirement for able-bodied adults without dependents.

Our response is attached. If you have any questions, please contact Joseph M. Shea of my staff at 703-305-2513.

/s/

Harriet Kornegay  
Acting Branch Chief  
Certification Policy Branch  
Program Development Division

Attachment

cc: PAD-w/Attachment

FINAL:USDA:FNS:FSP:PDD:CPB:JMShea:  
FILE: ABAWDS (DC)  
DIR:I:CPB:WAIVERS:970118—DC Memo & Ext.2004

## WAIVER RESPONSE

1. **Waiver serial number:** 970118
2. **Type of request:** Extension
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:** N/A
5. **State:** District of Columbia
6. **Region:** MARO
7. **Regulatory Requirements:** The Food Stamp Program Regulations at 7 CFR 273.24 provide 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.  
  
The Food Stamp Program Regulations at 7 CFR 273.24 also provide 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. **Description of proposed alternative procedures:** The District of Columbia State Agency is requesting an extension to its waiver for food stamp recipients who reside in the District, based on its designation as a Labor Surplus Area (LSA) by the Employment and Training Administration of the Department of Labor for the period October 1, 2003, through September 30, 2004.
9. **Action and reason for approval or denial:** We are approving this waiver extension based on the designation of the District of Columbia as an LSA by the Department of Labor.

10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24(f), which allows the Food and Nutrition Service (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 has an insufficient number of jobs to provide employment for the affected individuals.
11. **Conditions and reasons:** N/A
12. **Information required for extension:** In future extensions, if the area is not designated as an LSA by the Department of Labor, please submit data indicating that the area included in this waiver either experiences unemployment greater than 10 percent or has insufficient job opportunities. Supporting unemployment data must rely on standard the Bureau of Labor Statistics data and/or methods.
13. **Expiration date:** This waiver is extended retroactively from its February 28, 2004, expiration date for a period of 1 year. It will expire on February 28, 2005.
14. **Limitation on regional office approval of like requests:** This waiver is limited to the District of Columbia State Agency.
15. **Quality Control Procedures:** There is no special quality control procedures needed in conjunction with this waiver.
16. **Date of national office action:**
17. **Date of State agency's request:** February 11, 2004
18. **Date of regional office transmittal to national office:** February 23, 2004