

APR 21 2006

970118

SUBJECT: Two Year Approval of Waivers of the Work Requirements for ABAWDS under - 7 CFR 273.24

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

We have reviewed the request from the District of Columbia to approve their ABAWD waiver number 970118 for 24 months. The rationale presented by the District does not meet the chronic high unemployment characteristics outlined in the February 3, 2006 memorandum to all Regional Directors. It appears the District is claiming LSA status for two consecutive years, FY 2006 and they are projecting LSA status for FY 2007. They have concluded that because of past trends, there will be an approved LSA for FY 2007; therefore, they are eligible for a 24 month approval. However, LSA status for the current and prior year is required for approval.

We are approving the District of Columbia for 24 months because their unemployment rate for the 36 month period beginning January 1, 2003, and ending December 31, 2005, exceeded the national unemployment rate by 20 percent. The 36 month criterion is stipulated in the February 3, 2006 memorandum. The Districts unemployment rate for the required time period was 7.0 percent, and the threshold was 6.6 percent.

The waiver is retroactively approved from March 1, 2006, and it will expire on February 28, 2008.

Please call Dwight Ricker, (703) 305-2803, if you have any questions.

**SIGNED**

Patrick Waldron  
Branch Chief  
Certification Policy Branch

FINAL:FNS:FSP:PDD:CPB:DRicker:03/30/06/rewrite 04/21/06  
DIR:I:CPB:WAIVERS: FY 2006: 970118 DC

Symbol	Surname	Date	Symbol	Surname	Date
1\$ PD-100	P.Waldron	4/21/06			

**OFFICIAL RECORD COPY**

## WAIVER RESPONSE

1. **Waiver serial number:** 970118
2. **Type of request:** Extension
3. **Primary regulation citation, if any:** 7 CFR 273.24 (f)(3)(iii)
4. **Secondary regulation citation, if any:** None
5. **State:** District of Columbia
6. **Region:** Mid-Atlantic
7. **Regulatory requirements:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), P.L. 104-193, 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 requirement 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.

Section 6(o) of the Food Stamp Act, as amended by Section 824 of PRWORA, 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 resides has an unemployment rate of over 10 percent, or does not have a sufficient number of jobs to provide employment for the individuals.

In addition, 7 CFR 273.24 (f)(3)(iii) permits states to use "data from the BLS or the BLS cooperating agency that an area has a 24-month average unemployment rate that exceeds the national average by 20 percent for any 24-month period no earlier than the same periods the ETA used to designate LSAs for the current fiscal year."

8. **Proposed procedures:** The District of Columbia is claiming LSA status for two consecutive years, FY 2006 and they are projecting FY 2007.

9. **Action and reason for approval or denial:** We are not approving the District's request for a 24 month ABAWD waiver because the rationale does not meet the chronic high unemployment characteristics outlined in our February 3, 2006 memorandum, which stipulates that entities must use the current and prior years for approval – projections are not permissible. We are, however, approving a 24 month waiver because the District of Columbia's unemployment rate for 36 months, beginning January 1, 2003 and ending December 31, 2005, exceeded the national unemployment rate by 20 percent. The methodology for approval was calculated by the Food and Nutrition Service. The aggregate 36 unemployment rate plus 120 was 6.6 percent. The rate for the identical period for the District of Columbia was 7.0 percent.
10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24 which allows the Food and Nutrition Service to waive the applicability of the work requirements provisions in 7 CFR 273.24 for any group of individuals in the State if FNS makes a determination that the area in which the individuals reside has an insufficient number of jobs.
11. **Conditions and Reasons:** N/A
12. **Information required for extension:** Please submit supporting unemployment data that relies on standard Bureau of Labor Statistics data and/or methods and data indicating unemployment over 10 percent or a lack of sufficient jobs.
13. **Expiration date:** March 31, 2008
14. **Limitation:** Waiver approval applies solely to the District of Columbia.
15. **Quality Control Procedures:** N/A
16. **Date of national office actions:**
17. **Date of State agency's request:** February 23, 2006
18. **Date of regional office transmittal of response to national office:**
19. **Actual implementation date:**