

January 28, 2008

2090016

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

TO: Dennis Stewart
Regional Director
Supplemental Nutrition Assistance Program
Western Regional Office

This is in response to the Territory of Guam, Department of Public Health and Social Services' request to exempt certain individuals island-wide from the work provisions of 7 CFR 273.24. The agency provided Guam Department of Labor, Bureau of Labor Statistics data as supportive documentation of its high unemployment.

Because of our delay in responding and per conversation with WRO, FNS is approving this waiver for a one-year period, effective January 1, 2009 through December 31, 2009. Our detailed response is attached. If you have any questions, please contact Vicky Robinson at vicky.robinson@fns.usda.gov or at (703) 305-2476.

Sincerely,

/s/

Sandra Clark
Chief
Certification Policy Branch
Program Development Division

Attachment(s)

E-mail distribution: CPB, ABAWD Waivers

FINAL:FNS:FSP:PDD:CPB:VROBINSON:12/12/08:cf:1/28/09
DIR:I:CPB:WAIVERS:FY2009:2090016 GUAM ABAWD INITIAL

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WAIVER RESPONSE

1. **Waiver Serial Number:** 2090016
2. **Type of Request:** Initial
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:**
5. **Area:** Guam
6. **Region:** Western
7. **Regulatory Requirement:** Federal Regulations at 7 CFR 273.24 provide that no individual shall be eligible to participate in the Supplemental Nutrition Assistance Program as a member of any household if, during the preceding 36-month period, the individual received SNAP 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 of the Act or a comparable program established by the State; or received benefits because they were 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. **Description of proposed alternative procedures:** The Territory of Guam, Department of Public Health and Social Services, is requesting an island-wide waiver to exempt its ABAWD population from the work requirements of 7 CFR 273.24 based on high unemployment. The U.S. Department of Labor's Bureau of Labor Statistics (BLS) does not have unemployment data for Guam, nor does Guam issue unemployment benefits to its residents. Labor data is derived from sample surveys of households conducted by Guam's BLS. These are periodic surveys where field interviews are conducted inquiring about activity or status during the calendar week.

To support its claim of high unemployment, Guam combined labor force and unemployment data collected in the months of March 2004, December 2005, March 2006, September 2006, and September 2007 and compared the results to U.S. BLS data for the corresponding months as follows:

Combined National Unemployment Rate

Month	Year	Labor Force	Unemployed	UER	20 percent threshold
September	2007	153,400,000	6,952,000		
September	2006	151,635,000	6,625,000		
March	2006	150,027,000	7,255,000		
December	2005	149,874,000	6,956,000		
March	2004	146,525,000	8,834,000		
Total		751,461,000	36,622,000	4.9	5.8

Guam

Month	Year	Labor Force	Unemployed	Guam UER
September	2007	63,600	5,310	
September	2006	66,450	4,890	
March	2006	65,940	4,530	
December	2005	64,130	4,500	
March	2004	61,520	4,710	
Total		321,640	23,940	7.4

9. **Action and reason for approval or denial:** To show insufficient jobs or high unemployment, regulations at 7 CFR 273.24(f) provide that the data a State agency submits may be non-exhaustive, as long as it relies on standard Bureau of Labor Statistics (BLS) data or methods. Based on the data provided, we are approving Guam's request for one year rather than the two years requested. Guam did not establish that it meets the criteria required for a 2-year approval as specified in our memo of February 3, 2006 at: <http://www.fns.usda.gov/fsp/rules/Memo/06/020306.pdf>, however, we believe there is sufficient data to approve the waiver for one year, effective January 1, 2009.
10. **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.
11. **Conditions and reasons:** None.
12. **Information required for extension:** To receive an extension the State agency must provide data indicating that there continue to be insufficient jobs for ABAWDs residing in Guam subject to 7 CFR 273.24.

13. **Expiration date:** This waiver is approved for one year, effective January 1, 2009 through December 31, 2009.
14. **Limitation, if any, on regional office approval of like requests:** Approval of this waiver is limited to the Territory of Guam only.
15. **Quality control procedures:** None.
16. **Date of national office action:** January 28, 2009
17. **Date of State agency's request:** November 14, 2008
18. **Date of regional office transmittal of request:** November 18, 2008
19. **Date of regional office transmittal of response to State agency:**
20. **Actual implementation date:**