

February 28, 2005

970315

SUBJECT: FSP – Maine – ABAWD Waiver

TO: Mary Ann Ferris
Regional Director
Food Stamp Program
Northeast Region

This is in response to your September 16, 2004 memo forwarding a request from the Maine Department of Health and Human Services to modify and to extend waiver 970315. We are approving this waiver. Maine has requested this waiver for five counties, seven labor market areas, and thirty localities.

Maine provided data from the Bureau of Labor Statistics. The data proves the average unemployment rates for these areas exceeded the national average by 20 percent for the same periods of time.

In six instances the numbers on Maine's spreadsheets are not the same as those on the website of the Bureau of Labor Statistics (BLS). However, these discrepancies did not affect the jurisdictions' unemployment rates. We shall send you the corrected spreadsheets by email.

Because of the delay in handling this waiver, it is effective retroactive to November 1, 2004.

Our response is attached. If you have any questions, please contact Thomas O'Connell by email.

/s/

Harriet Kornegay
Assistant Chief
Certification Policy Branch
Program Development Division

Attachment

cc: All Regions (except NERO) w/Attachment
Dan Wilusz, QC, PAD w/Attachment
Bob Dalrymple, OANE w/Attachment

File:I:CPB:Waivers:FY2005:970315-Maine ABAWD:TO'Connell

WAIVER RESPONSE

1. **Waiver Serial Number:** 970315
2. **Type of Request:** Extension and Modification
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:** N/A
5. **State:** Maine
6. **Region:** Northeast
7. **Regulatory Requirement:** 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 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 3-month time-limit for ABAWDs would not apply in the waived jurisdictions, for the reasons that are explained in item 9.
9. **Action and reason for approval or denial:** We are approving the waiver for all the jurisdictions, based on the following unemployment rates and thresholds. All unemployment rates are based on the spreadsheets that Maine and your office provided.

| Jurisdiction | Unemployment Rate |
|--|--------------------------|
| The following three counties qualify for a waiver together, based on their combined (weighted) average unemployment rate from January 1, 2001 through December 31, 2002. The counties' unemployment rate exceeded the national unemployment rate for the same period by 20% (the threshold is 6.3%) | |
| Franklin | 6.8% |
| Oxford | |
| Somerset | |
| The following two counties qualify for waivers separately, based on their individual average unemployment rates from January 1, 2001 through December 31, 2002. The counties' unemployment rates exceeded the national unemployment rate for the same period by 20% (the threshold is 6.3%). | |
| Piscataquis | 6.8% |
| Washington | 8.5% |
| The following seven Labor Market Areas (LMAs) qualify for waivers separately, based on their individual average unemployment rates from January 1, 2001 through December 31, 2002. The LMAs' unemployment rates exceeded the national unemployment rate for the same period by 20% (the threshold is 6.3%). | |
| Calais LMA | 9.3% |
| Dexter-Pittsfield LMA | 9.8% |
| Fort Kent LMA | 6.5% |
| Lincoln-Howland LMA | 6.7% |
| Millinocket-East Millinocket LMA | 7.6% |
| Patten-Island Falls LMA | 7.7% |
| Sanford LMA | 7.1% |
| The following localities qualify for waivers separately based on their individual unemployment rates from January 1, 2001 through December 31, 2002. The localities' unemployment rates exceeded the national unemployment rate for the same period by 20% (the threshold is 6.3%). | |
| Ashland | 7.5% |
| Aurora | 8.5% |
| Bowdoin | 6.7% |
| Bradford | 8.0% |
| Burnham | 7.9% |
| Cary Plantation | 15.8% |
| Caswell Plantation | 12.9% |
| Central Aroostook Unorganized | 9.0% |
| Clifton | 6.9% |
| Dyer Brook | 10.1% |
| Frankfort | 7.2% |
| Franklin | 7.8% |
| Freedom | 9.0% |
| Gouldsboro | 7.4% |
| Lagrange | 9.1% |

| Jurisdiction | Unemployment Rate |
|---|--------------------------|
| Limestone | 16.1% |
| Livermore Falls | 7.7% |
| Oakfield | 7.6% |
| Oxbow Plantation | 13.1% |
| Smyrna | 8.3% |
| Stockholm | 9.1% |
| Thorndike | 7.4% |
| Van Buren | 6.9% |
| The following localities qualify for waivers separately based on their individual unemployment rates from October 1, 2001 through September 30, 2003. The localities' unemployment rates exceeded the national unemployment rate for the same period by 20% (the threshold is 7.0%). | |
| Berwick | 7.4% |
| Grand Isle | 7.4% |
| New Sweden | 7.0% |
| Unity | 7.0% |
| The following localities qualify for waivers separately based on their individual unemployment rates from May 1, 2002 through April 30, 2004. The localities' unemployment rates exceeded the national unemployment rate for the same period by 20% (the threshold is 7.0%). | |
| Alton | 7.3% |
| Clifton | 7.0% |
| Vienna | 7.3% |

10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24(f)(3)(iii) which allows FNS to waive the applicability of the work requirement provision 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 unemployment rate that exceeded the national unemployment rate, for the same 24-month period, by at least 20%.
11. **Conditions and reasons:** N/A
12. **Information required for extension:** To receive an extension the State agency must provide data or other information as described in 273.24(f)(2) and (f)(3). If Maine wishes to receive an extension based on unemployment rates, they must provide us with all supporting documentation, including spreadsheets in digital form.
13. **Expiration date:** October 31, 2005.
14. **Limitation, if any, on regional office approval of like requests:** This waiver is limited to the Maine Department of Health and Human Services.
15. **Quality control procedures:** N/A

16. **Date of national office action:**
17. **Date of State agency's request:** September 13, 2004
18. **Date of regional office transmittal of request:** September 16, 2004
19. **Date of regional office transmittal of response to State agency:**
20. **Actual implementation date:**