

February 14,2005

2040026

SUBJECT: FSP - Michigan – Request to Extend Waiver of 7 CFR 273.24

TO: Tim English, Director
Food Stamp Program
Midwest Region

This is in response to the Michigan's request to continue to exempt able-bodied adults without dependents (ABAWDS) statewide from the work requirements of 7 CFR 273.24 because of insufficient jobs. The State based its determination of insufficient jobs on U.S. Department of Labor data that shows the State qualifies for extended unemployment benefits.

Our response is attached. If you have any questions, please contact Vicky Robinson at (703) 305-2476.

/s/

Patrick Waldron
Chief
Certification Policy Branch
Program Development

Attachment

cc: All Regions (except MWRO)
Kate Fink and Bob Dalrymple, OAE
John Knaus
Civil Rights

FINAL:USDA:FNS:FSP:PDD:CPB:VRobinson:1/14/05:REVISED:2/11/05:je
DIR:I:CPB/Waivers/2004:2040026 MI ABAWD Ext.

WAIVER RESPONSE

1. **Waiver serial number:** 2040026
2. **Type of request:** Extension
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:**
5. **State:** Michigan
6. **Region:** Midwest Region
7. **Regulatory Requirements:** Under 7 CFR 273.24(b), an individual is not 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; participate in and comply with the requirements of a work program for 20 hours or more per week; or participate in and comply with requirements of a program under Section 20 or a comparable program established by the State.

Under 7 CFR 273.24(f), upon the request of a State agency, Food and Nutrition Service (FNS) may waive the applicability of the above provision 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 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:** Michigan is requesting to continue its exemption of ABAWDS residing in the State from the work requirements of 7 CFR 273.24 due to having insufficient jobs as evidenced by the U.S. Department of Labor's determination that the State qualifies for extended unemployment benefits.
9. **Justification for request:** 26 USC 3304 (Public Law 102-318) allows States the option of providing an additional alternative trigger for the extended benefits program, based on the State's seasonally adjusted total unemployment rate (TUR) for the most recent three months reaching at least: (1) 6.5 percent; and (2) 110

percent of such TUR for the corresponding three-month period ending in either or both of the two preceding calendar years.

The Department of Labor's Trigger Notice No. 2004-44 shows the State's 3-month average total unemployment rate (TUR) was: (1) 6.8 percent, and (2) 11.1 percent of the 3-month average for the corresponding period in the second year, making Michigan eligible for extended unemployment benefits.

10. **Action and reason for approval or denial:** We are approving Michigan's request to continue its exemption of individuals residing in the State from the work requirements of 7 CFR 273.24 due to having insufficient jobs based on the State qualifying for extended unemployment benefits by the U.S. Department of Labor.
11. **Regulatory or legislative basis for action:** This waiver is approved under the authority of 7 CFR 273.24(f), which allows FNS to waive the applicability of the work requirement provision for any group of individuals in the State if FNS makes a determination that the area in which the individuals reside has insufficient jobs.
12. **Conditions and reasons:** n/a
13. **Information required for extension:** To receive an extension the State agency must provide data indicating that there are insufficient jobs in the State.
14. **Expiration date:** This waiver is approved effective March 1, 2005 and will expire on February 28, 2006.
15. **Limitation on regional office approval of like requests:** This waiver is limited to the Michigan State Agency.
16. **Quality Control Procedures:**
17. **Date of national office action:** January 14, 2005
18. **Date of State Agency's request:** December 20, 2004
19. **Date of regional office transmittal of request to National Office:** December 22, 2004
20. **Actual implementation date:**