

970129

SUBJECT: FSP – Missouri Request to Waive 7 CFR 273.24 – Work Requirements (ABAWDs)

TO: Ralph E. Anzur, Acting Regional Director  
Food Stamp Program  
Mountain Plains Region

This is in response to your memorandum of March 2, 2005, forwarding the Missouri State Agency's request for an extension and modification of waiver #970129, which exempts individuals residing in various counties and cities from the work requirement for able-bodied adults without dependents. The State agency modified its initial request, by e-mail on April 12, 2005, by eliminating Kansas City from the list of requested Labor Surplus Areas, and they withdrew the request to consolidate Clay, Cass, Jackson, and Platte Counties with Kansas City.

For your future reference, we would like to point out a problem with your office's review of this request. As you know, before a waiver is submitted to the Certification Policy Branch (CPB), it must be reviewed for accuracy and consistency by the regional office. Outstanding issues should be resolved before they are submitted to CPB. In this connection, the Missouri State Agency's waiver proposed consolidation of four counties with the city of Kansas City to comprise a "cluster" for consideration as one unit. The State agency presented no documentation to support its assertion that this area qualified for a waiver. Your review of waiver proposal did not detect this discrepancy, and the recommendation was for approval of the waiver.

Our detailed response to the Missouri waiver is attached. If you have any questions, please call Dwight Ricker at (703) 305-2803.

Patrick Waldron  
Chief  
Certification Policy Branch  
Program Development Division

Attachment

FINAL:USDA:FNS:FSP:PDD:CPB:DRicker:4/14/05:so  
DIR:I:CPB/Waivers/2005:970129-Missouri ABAWD

## WAIVER RESPONSE

1. **Waiver serial number:** 970129
2. **Type of request:** Extension
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:**
5. **State:** Missouri
6. **Region:** MPRO
7. **Regulatory Requirements:** Under 7 CFR 273.24(b) individuals are 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, the Food and Nutrition Service (FNS) may waive the applicability of the above provision for any group of individuals in the State if the FNS makes determines 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 Missouri State agency is requesting an extension and modification of its current waiver for individuals who reside in areas that do not have a sufficient number of jobs to provide employment for individuals subject to 7 CFR 273.24.

Missouri is requesting an extension and modification of waiver #970129 to exempt from the work requirements 32 counties/cities, which have been designated Labor Surplus Areas by the Bureau of Labor Statistics. They are also clustering the counties around Kansa City, and requesting a waiver for the aggregate jurisdictions because the unemployment rate is 20 percent above the national average. The cluster includes: Clay, Cass, Jackson, and Platte Counties.

- 9. Action and reason for approval or denial:** We are approving the Missouri State Agency's request to extend and modify waiver 970129 to exempt residents in **31** counties/cities because they have been designated labor surplus areas by the Department of Labor, Bureau of Labor Statistics. The counties are: Bates, Benton, Caldwell, Chariton, Clark, Crawford, Douglas, Dunklin, Hickory, Iron, Laclede, Linn, Madison, Miller, Mississippi, Monroe, Morgan, New Madrid, Pemiscot, Reynolds, Ripley, St. Francois, Shannon, Stone, Sullivan, Taney, Texas, Washington, Wayne, Wright counties, and one city St. Louis.

The State withdrew its request to cluster four counties, Clay, Cass, Jackson, and Platte, by email on April 12, 2005. Additionally, the State rescinded its request to approve Kansas City as a Labor Surplus Area.

- 10. Regulatory legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24(f) (1) (ii), 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 FNS makes a determination that the area in which the individuals reside has an insufficient number of jobs.  
an insufficient number of jobs.

- 10. Conditions and reasons:** N/A

- 11. 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.

12. **Expiration date:** March 31, 2006.
14. **Limitation on regional office approval of like requests:** This waiver is limited to the Missouri State Agency.
15. **Quality Control Procedures:** N/A
16. **Date of national office action:** March 31, 2005
17. **Date of State agency's request:** March 2, 2005
18. **Date of regional office transmittal of State agency's request to the national office:**
19. **Date of regional office transmittal of response to State agency:**