

March 3, 2006

2020120

SUBJECT: FSP - Mississippi - Request to Waive 7 CFR 273.24

TO: Peggy Fouts, Regional Director  
Food Stamp Program  
Southeast Region

This is in response to the Mississippi State Agency's request to modify and extend its current waiver to exempt individuals residing in the entire state from the work requirements of 7 CFR 273.24 because of insufficient jobs. The State bases 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  
Branch Chief  
Certification Policy Branch  
Program Development

Attachment

cc: All Regions (except SERO)  
Mike DePiro and Bob Dalrymple, OAE  
John Knaus  
Civil Rights

FINAL:USDA:FNS:FSP:PDD:CPB:VRobinson:03/01/06:je  
DIR:I:CPB/Waivers/2004:2020120 MS ABAWD Mod & Ext.

## WAIVER RESPONSE

1. **Waiver serial number:** 2020120
2. **Type of request:** Modification and Extension
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:**
5. **State:** Mississippi
6. **Region:** Southeast 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, 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:** Mississippi is requesting to expand its waiver that currently exempts individuals residing in 47 counties from the work requirements of 7 CFR 273.24 to individuals residing in the entire State. The State Agency has submitted proof that there are insufficient jobs within the State by submitting U.S. Department of Labor data that shows the State qualifies for extended unemployment benefits.
9. **Justification for request:** 7 CFR 273.24 (f)(2)(ii) provides States alternative methods to support a claim of insufficient jobs. One option is to show that the State agency qualifies for extended unemployment benefits. Current regulations also provide 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 periods ending in either or both of the two preceding calendar years.

The Department of Labor's Trigger Notice No. 2005-51 at: [http://www.ows.doleta.gov/unemploy/trigger/2006/trig\\_010106.html](http://www.ows.doleta.gov/unemploy/trigger/2006/trig_010106.html) , effective January 1, 2006, shows the State's 3-month average total unemployment rate (TUR) was: (1) 9.5 percent and (2) 139 percent and 158 percent of the corresponding 3-month period in the first and second year, respectively. Therefore, the State is eligible for extended unemployment benefits.

10. **Action and reason for approval or denial:** We are approving Mississippi's request to exempt 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 according to Department of Labor data.
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 April 1, 2006 and will expire on March 31, 2007.
15. **Limitation on regional office approval of like requests:** This waiver is limited to the Mississippi State Agency.
16. **Quality Control Procedures:**
17. **Date of national office action:** March 1, 2006
18. **Date of State Agency's request:** February 13, 2006
19. **Date of regional office transmittal of request to National Office:** February 22, 2006
20. **Actual implementation date:**