

August 1, 2008

970090 and 970146

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

**TO:** Jody Cornwell, Regional Director  
Food Stamp Program  
Mountain Plains Region

This is in response to your memorandum of May 27, 2008, transmitting the Montana State agency's request to modify and extend its waiver which exempts certain individuals from the work requirements of 7 CFR 273.24 based on insufficient jobs. The State based its determination of insufficient jobs on Census 2000 and U.S. Department of Labor data.

Our response approving the State's request is attached. If you have any questions, please contact Vicky Robinson at [vicky.robinson@fns.usda.gov](mailto:vicky.robinson@fns.usda.gov) or at (703) 305-2476.

/S/

Patrick Waldron  
Chief  
Certification Policy Branch  
Program Development Division

Attachment(s)

cc: All Regions (except MPRO)  
Bob Dalrymple, ORNA  
John Knaus  
Civil Rights

FINAL:FNS:FSP:PDD:CPB:VROBINSON:06/20/08:JRagan:07/31/08:305-2519  
DIR:I:CPB:WAIVERS:FY2008:970090 and 970146 MT ABAWD mod & ext

Symbol	Surname	Date	Symbol	Surname	Date

## WAIVER RESPONSE

1. **Waiver serial number:** 970090 and 970146
2. **Type of request:** Extension and Modification
3. **Primary regulation citation:** 7 CFR 273.24(f)
4. **Secondary regulation citation:**
5. **State:** Montana
6. **Region:** Mountain Plains
7. **Regulatory requirements:** 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 was 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. **Proposed alternative procedures:** Under waiver number 970090, the Montana State Agency is requesting to continue to exempt individuals residing in the counties of Big Horn, Golden Valley, Musselshell, Petroleum, and Rosebud in the economic area of Billings; the counties of Glacier and Pondera in the economic area of Great Falls; and the counties of Lincoln, Mineral, and Sanders in the economic area of Missoula. Each of these areas have an aggregate average unemployment rate (UER) of at least 20 percent above the national average of 4.9 percent, or 5.8 percent, for the 24-month period of January 2005 through December 2006 as follows:

**National Unemployment Rate (UER):**

<b>Labor Force</b>	<b>Unemployed</b>	<b>UER</b>	<b>20 percent</b>
3,608,975,000	175,094,000	<b>4.9</b>	<b>5.8</b>

**Sub-region of Billings Economic Area**

County	Labor Force	Unemployed	UER
Big Horn	123,455	8,823	
Golden Valley	12,610	490	
Musselshell	49,599	2,143	
Petroleum	5,372	236	
Rosebud	94,827	4,922	
<b>Total</b>	<b>285,863</b>	<b>16,614</b>	<b>5.8</b>

**Sub-region of the Great Falls Economic Area**

County	Labor Force	Unemployed	UER
Glacier	139,992	9,275	
Pondera	65,090	2,688	
<b>Total</b>	<b>205,082</b>	<b>11,963</b>	<b>5.8</b>

**Sub-region of the Missoula Economic Area**

County	Labor Force	Unemployed	UER
Lincoln	184,114	13,076	
Mineral	47,098	2,325	
Sanders	110,868	6,050	
<b>Total</b>	<b>342,080</b>	<b>21,451</b>	<b>6.3</b>

In addition, the State wishes to continue its ABAWD waiver for Roosevelt County based on having an average unemployment rate of at least 20 percent above the national average for the 24-month period of January 2005 through December 2006:

County	Labor Force	Unemployed	UER
Roosevelt	94,355	5,457	<b>5.8</b>

Under waiver number 970146, the State agency used Census 2000 and BLS data to continue its exemption of individuals residing on the reservations of Fort Belknap, Fort Peck, and Rocky Boy. Although the State agency also requested to exempt individuals residing on the reservations of Crow, Blackfeet, and Northern Cheyenne, no data was provided for these areas because each area is located in counties already included in this waiver request. All the requested reservations have unemployment rates of at least 20 percent above the national average for the 24-month period of January 2005 through December 2006 as follows:

Reservation	Labor Force	Unemployed	UER
Fort Belknap, Blaine County part	20,442	1,688	<b>8.3</b>
Fort Belknap, Phillips County part	1,078	236	<b>21.8</b>
Rocky Boy, Hill County part	16,773	1,866	<b>11.1</b>

<b>Reservation</b>	<b>Labor Force</b>	<b>Unemployed</b>	<b>UER</b>
Fort Peck, Daniels County part	703	0	
Fort Peck, Sheridan County part	958	74	
Fort Peck, Valley County part	10,021	935	
<b>Combined Area of Fort Peck</b>	11,682	1,010	<b>8.6</b>

9. **Action and reason for approval or denial:** We are approving the State agency's request in full. Able-Bodied Adults Without Dependents (ABAWDs) who reside on the aforementioned areas will be exempt from work requirements based on insufficient jobs.
11. **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.
12. **Conditions and reasons:** None.
13. **Information required for extension:** To receive an extension the State agency must provide data for the affected areas indicating that there continue to be insufficient jobs for individuals subject to 7 CFR 273.24.
14. **Expiration date:** As requested, the waiver is approved for one year, effective August 1, 2008 through July 31, 2009.
15. **Limitation on regional office approval of like requests:** Approval of this waiver is limited to the Montana State agency.
16. **Quality control procedures:** N/A
17. **Date of national office action:** July 14, 2008
18. **Date of State agency's request:** March 21, 2008
19. **Date of regional office's transmittal of request to national office:** May 27, 2008.
20. **Date of regional office transmittal of response to State agency:**
21. **Actual implementation date:**