

March 21, 2005

2040061

SUBJECT: FSP – North Carolina Waiver Request – 7 CFR 273.24

TO: Toni Abernathy  
Acting Regional Director  
Food Stamp Program  
Southeast Region

This is in response to the December 3, 2004 email forwarding North Carolina's request of November 5, 2004 to extend its current statewide ABAWD waiver through November 30, 2005 because the State qualified for extended unemployment benefits. The State is also requesting that LSA waiver #2020144 for 37 counties that expires March 31, 2005 be combined with the statewide ABAWD waiver.

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 Division

Attachment

cc: All Regions (except SERO)

FINAL:USDA:FNS:FSP:PDD:CPB:VRobinson:so

FILE: North Carolina

DIR:I:CPB:Waivers:2040061 North Carolina ABAWD Ext.

## WAIVER RESPONSE

1. **Waiver serial number:** 2040061
2. **Type of request:** Extension
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:** None
5. **State:** North Carolina
6. **Region:** Southeast Region (SERO)
7. **Regulatory requirements:** The Food Stamp Program regulations at 7 CFR 273.24(b), provide 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; or did not participate in and comply with requirements of a program under Section 20 or a comparable program established by the State.

The Food Stamp Program regulations at 7 CFR 273.24(f) also provide that, 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 we make 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 North Carolina State Agency is requesting to extend its current ABAWD waiver #2040061 from its current expiration date of June 30, 2005 to November 30, 2005. The State agency is also requesting to fold its current LSA waiver #2020144 into the statewide ABAWD waiver.

Public Law 102-318 (26 USC 3304) 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 periods ending in either or both of the two preceding calendar years.

The Department of Labor's Trigger Notice No. 2003-44 shows that, for the week ending November 16, 2004, the State's 3-month average total unemployment rate (TUR) was: (1) 6.5 percent and (2) 114 percent of the 3-month average for the corresponding period in the second year, making North Carolina eligible for extended unemployment benefits beginning 9-7-03 and ending 12-13-03. The State submitted its waiver request November 5, 2004.

- 9. Action and reason for approval or denial:** We are approving North Carolina'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 by the U.S. Department of Labor.

Since North Carolina qualifies for a statewide ABAWD waiver, we are combining the State agency's LSA approval of 37 counties under waiver #2020144 with this statewide ABAWD waiver. Only counties that declined to participate in the statewide waiver are excluded.

- 10. 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.
- 11. Conditions and reasons:** N/A
- 12. Information required for extension:** To receive an extension the State agency must provide data indicating that there are insufficient jobs in the State.
- 13. Expiration date:** This waiver is approved effective April 1, 2005 and will expire on November 30, 2005.
- 14. Limitation, if any, on regional office approval of like requests:** This waiver is limited to the North Carolina State Agency.
- 15. Quality control procedures:** N/A
- 16. Date of national office action:**
- 17. Date of State agency's request:** November 5, 2004
- 18. Date of regional office transmittal of request to national office:** December 3, 2004
- 19. Date of regional office transmittal of response to State agency:**
- 20. Actual implementation date:**

