

March 22, 2006

970125

SUBJECT: FSP - North Dakota - Request to Extend 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 March 1, 2006, forwarding the North Dakota State Agency's request for an extension of its current waiver of 7 CFR 273.24. This section limits the receipt of food stamp benefits to 3 months within a 3-year period for able-bodied adults who are not working (or participating in a work program) 20 hours or more each week or participating in workfare.

North Dakota wishes to exempt Pembina, McLean and Rolette Counties due to their designations as Labor Surplus Areas (LSAs) for FY 2005 - 2006 by the Department of Labor's Employment and Training Administration (DOLETA). All other counties (Pierce, McHenry, Benson, Towner, Eddy, Emmons, Kidder, Sheridan, and Sioux) qualify for waivers based on the area's aggregate average unemployment rate, which is at least 20 percent above the national average for a 36-month period of January 2003 through December 2005.

North Dakota will continue to use the 15 percent exemption authority under 7 CFR 273.24(g) to exempt ABAWDs in Mountrail County.

We are approving North Dakota State Agency's waiver request for a period of two years effective May 1, 2006 for a period of 24 months ending April 30, 2008. The approval is based on actual monthly data for the 36-month period of January 2003 through December 2005.

If you have any questions, please contact Jennie Nelson of my staff at (703) 305-2446.

/S/

Harriet Kornegay
Assistant Branch Chief
Certification Policy Branch
Program Development Division

Attachment

cc: All Regions
Bob Dalrymple – OANE
PAD/QC
David Young

FINAL:FNS:FSP:PDD:CPB:JNELSON:3/6/06:so
DIR:I:WAIVERS: 970125 – ND ABAWD (FY06-2yr Ext.)

Symbol	Surname	Date	Symbol	Surname	Date

WAIVER RESPONSE

1. **Waiver Serial Number:** 970125
2. **Type of Request:** Extension
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:** N/A
5. **State:** North Dakota
6. **Region:** Mountain Plains
7. **Regulatory Requirement:** 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 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 Dakota State Agency is requesting to extend its current waiver to exempt Pembina and McLean Counties from the work requirements of 7 CFR 273.24(f) based its designation as Labor Surplus Area (LSA) for fiscal year 2003 and 2005 by the Department of Labor's Employment and Training Administration (DOLETA).

North Dakota also wants to extend its current waiver for residents of the following counties: Pierce, McHenry, Benson, Rolette, Towner, Eddy, Emmons, Kidder, Sheridan, and Sioux based on aggregate average unemployment rate of at least 20 percent above the national average during the 36-month period January 2003 through December 2005, when the national average unemployment rate plus 20 percent was 6.6 percent.

- 9. Action and reason for approval or denial:** We are approving North Dakota State Agency's request to extend its current waiver to exempt ABAWDS who resides in the following areas from the work requirements of 7 CFR 273.24 based on aggregate average unemployment rate of at least 20 percent above the national average during the 36-month period of January 2003 through December 2005, when the national average unemployment rate plus 20 percent was 6.6 percent:

County	Total Labor Force	Total Number of Unemployed	36-Month Avg. Unemployment Rate
Sub-region of Region 2			
Pierce County	71696	3410	4.8
McHenry County	102315	6160	6.0
Sub-region of Region 3			
Benson County	102123	5431	5.3
Rolette County*	191345	19019	9.9
Towner County	48451	2079	4.3
Eddy County	49328	2479	5.0
Sub-region of Region 7			
Emmons County	67923	3763	5.6
Kidder County	44806	2469	5.5
Sheridan County	26534	1571	6.0
Sioux County	48322	3120	6.5
Total for Region:	752843	49500	6.6
Sub-region of Region 4			
Pembina County*			7.2
Sub-region of Region 7			
McLean County*			5.4

*Pembina, McLean, and Rolette Counties have been designated as Labor Surplus Areas (LSAs) by the United States Department of Labor for fiscal years 2005-2006 and they are eligible for the two-year waivers. Pierce, McHenry, Benson, Towner, Eddy, Sheridan, Kidder, Emmons, and Sioux Counties all qualify for waivers base on the area's aggregate average unemployment rate, which is at least 20 percent above the national average during the 36-month period January 2003 through December 2005.

Mountrail County will continue to use the 15 percent exemption authority under 7 CFR 273.24(g) to exempt ABAWDs.

- 10. Regulatory or 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 unemployment rate of over 10 percent or an insufficient number of jobs.
- 11. Conditions and reasons:** N/A
- 12. Information required for extension:** To receive an extension, the State agency must 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.
- 13. Expiration date:** This waiver is approved May 1, 2006 and will expire on April 30, 2008.
- 14. Limitation, if any, on regional office approval of like requests:** This waiver is limited to the North Dakota State Agency.
- 15. Quality control procedures:** N/A
- 16. Date of national office action:**
- 17. Date of State agency's request:** February 28, 2006
- 18. Date of regional office transmittal of request:** March 1, 2006
- 19. Date of regional office transmittal of response to State agency:**
- 20. Actual implementation date:**