April 1, 2008

970125

SUBJECT: FSP – North Dakota Request to Waive 7 CFR 273.24

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

This is in response to your memorandum of March 14, 2008, forwarding the North Dakota State Agency's request for an extension and modification of its current waiver of 7 CFR 273.24. This waiver exempts residents of certain areas of the work requirements of Able-Bodied Adults Without Dependents (ABAWDs).

North Dakota requests an extension and modification of this waiver to exempt ABAWDs residing in the following counties: Benson, Billings, Eddy, Emmons, Grant, Hettinger, Kidder, Logan, McHenry, McLean, Mountrail, Oliver, Pembina, Pierce, Rolette, Sheridan, Sioux, Slope, Towner and Wells qualify for waivers based on the area's aggregate average unemployment rate, which is at least 20 percent above the national average during the 36-month period January 2005 through December 2007.

We are approving North Dakota State Agency's waiver request for a period of 2 years effective May 1, 2008, for a period of 24 months ending April 30, 2010. The approval is based on actual monthly data for the 36-month period of January 2005 through December 2007.

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

Patrick Waldron /S/
for
Harriet Kornegay
Assistant Branch Chief
Certification Policy Branch
Program Development Division

Attachment

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

WAIVER RESPONSE

1. **Waiver Serial Number:** 970125

2. **Type of Request:** Extension and Modification

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 an extension and modification its current waiver to exempt ABAWDs residing in the following counties: Benson, Billings, Eddy, Emmons, Grant, Hettinger, Kidder, Logan, McHenry, McLean, Mountrail, Oliver, Pembina, Pierce, Rolette, Sheridan, Sioux, Slope, Towner and Wells qualify for waivers based on the area's aggregate average unemployment rate, which is at least 20 percent above the national average during the 36-month period January 2005 through December 2007 when the national average unemployment rate plus 20 percent was 5.7 percent.

9. Action and reason for approval or denial: We are approving North Dakota State Agency's request for an extension and modification of 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 2005 through December 2007, when the national average unemployment rate plus 20 percent was 5.7 percent:

County	Total Labor Force	Total Number of Unemployed	36-Month Avg. Unemployment Rate
Pierce County	67,111	3,167	4.7
Mountrail County	104,435	6,380	6.1
McHenry County	100,304	5,365	5.3
Benson County	97,131	5,982	6.2
Rolette County	184,024	17,288	9.4
Towner County	42,917	2,146	5.0
Eddy County	47,244	2,610	5.5
Logan County	34,444	1,149	3.3
Wells County	78,951	3,746	4.7
Emmons County	65,510	3,434	5.2
Kidder County	44,831	2,189	4.9
Sheridan County	24,930	1,394	5.6
Grant County	44,040	1,686	3.8
Oliver County	39,066	1,741	4.5
McLean County	168,269	7,974	4.7
Sioux County	2,625	179	6.8
Hettinger County	42,078	1,606	3.8
Slope County	18,489	426	2.3
Billings County	18,372	491	2.7
Pembina County	147,053	9,297	6.3
Total for 20 Counties:	**1,371,824**	**78,250**	**5.7**

Benson, Billings, Eddy, Emmons, Grant, Hettinger, Kidder, Logan, McHenry, McLean, Mountrail, Oliver, Pembina, Pierce, Rolette, Sheridan, Sioux, Slope, Towner and Wells Counties all qualify for waivers based on the area's aggregate average unemployment rate, which is at least 20 percent above the national average during the 36-month period January 2005 through December 2007.

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, 2008 and will expire on April 30, 2010.

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:** March 31, 2008

17. **Date of State agency's request:** January 30, 2008

18. **Date of regional office transmittal of request:** March 14, 2008

19. **Date of regional office transmittal of response to State agency:**

20. **Actual implementation date:**