

April 10, 2008

2080023

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

TO: Dennis Stewart, Director
Food Stamp Program
Western Region

This is in response to your memorandum dated March 25, 2008, transmitting the Nevada State agency's request to exempt individuals residing in Lyon County from the work requirements of 7 CFR 273.24. Lyon County has been designated a Labor Surplus Area by the Department of Labor Employment and Training Administration for the period of October 1, 2007, through September 30, 2008.

Our response approving the State's request is attached. If you have any questions, please contact Melissa Daigle Katz at Melissa.DaigleKatz@fns.usda.gov or at (703) 305-2501.

Signed

Patrick Waldron, Chief
Certification Policy Branch
Program Development Division

Attachment

cc: All Regions (except WRO) w/Attachment
Bob Dalrymple, OANE w/Attachment
John Knaus, PDD
Civil Rights

Final:FNS:FSP:PDD:CPB:MDAIGLEKATZ:vw:703-305-2501:04-9-08
DIR:I:CPB:Waivers:FY2008:2080023 NV ABAWD:03-14-08 Request from NV

WAIVER RESPONSE

1. **Waiver serial number:** 2080023
2. **Type of request:** Initial
3. **Primary regulation citation:** 7 CFR 273.24 (f)
4. **Secondary regulation citation:** None
5. **State:** Nevada
6. **Region:** Western
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:** The Nevada State agency is proposing to waive the work requirements of 7 CFR 273.24 for individuals residing in Lyons County, which has been designated a Labor Surplus Area for the period of October 1, 2007, through September 30, 2008.

9. **Justification for request:** The State agency wishes to ensure that Nevada residents living in higher unemployment areas who lack the same opportunity to obtain employment as those residing in lower unemployment areas are not penalized. The waiver will also benefit workers in Lyon County, who will no longer be required to monitor and track work compliance.
10. **Action and reason for approval or denial:** We are approving the State agency's request. Able-bodied adults without dependents (ABAWDs) who reside in Lyon County will be exempt from work requirements based on designation as a Labor Surplus Area for the period of October 1, 2007, through September 30, 2008.
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:** The waiver is approved for one year, effective April 1, 2008, through March 31, 2009.
15. **Limitation on regional office approval of like requests:** Approval of this waiver is limited to the Nevada State agency.
16. **Quality control procedures:** N/A
17. **Date of national office action:**
18. **Date of State agency's request:** March 13, 2008
19. **Date of regional office transmittal of response to State agency:**
20. **Actual implementation date:**