

February 17, 2006

2040052

SUBJECT: FSP - South Carolina - Request to Extend ABAWD Waiver 2040052

TO: Peggy Fouts, Director
Food Stamp Program
Southeast Region

This is in response to the South Carolina State Agency's request to extend waiver 2040052 to continue exempting individuals residing in the entire state from the work requirements of 7 CFR 273.24 because of insufficient jobs. The State bases its determination of insufficient jobs on U.S. Department of Labor data that shows the State had an unemployment rate of at least 20 percent above the national average for the 24-month period of December 2003 through November 2005.

Our response approving the State's request is attached. If you have any questions, please contact Vicky Robinson at (703) 305-2476.

/s/

Patrick Waldron
Branch Chief
Certification Policy Branch
Program Development

Attachment

cc: All Regions (except SERO)
PAD

FINAL:USDA:FNS:FSP:PDD:CPB:VRobinson:2/13/05:je
DIR:I:CPB/Waivers/2006:2040052 SC ABAWD mod & ext

WAIVER RESPONSE

1. **Waiver serial number:** 2040052
2. **Type of request:** Modification and Extension
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:**
5. **State:** South Carolina
6. **Region:** Southeast Region
7. **Regulatory Requirements:** Under 7 CFR 273.24(b), an individual is 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, Food and Nutrition Service (FNS) may waive the applicability of the above provision 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 does not have a sufficient number of jobs to provide employment for the individuals.
8. **Description of proposed alternative procedures:** The South Carolina State Agency is requesting that waiver 2040052 be extended to exempt individuals residing in the State from the work requirements of 7 CFR 273.24 due to having insufficient jobs. Instead of basing its evidence of insufficient jobs on a U.S. Department of Labor (DOL) trigger notice, the South Carolina is modifying its waiver request by using DOL data that shows the State had an unemployment rate of 6.7 percent, which is at least 20 percent above the national average of 5.3, or 6.4 percent, for the 24-month period of December 2003 through November 2005.
10. **Action and reason for approval or denial:** 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.

Since all able-bodied adults without dependents (ABAWDS) residing in the State are exempted from the work requirements of 7 CFR 273.24, there is no need to seek further exemptions for individuals living in specific jurisdictions within the State on other grounds.

11. **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.
12. **Conditions and reasons:** N/A
13. **Information required for extension:** To receive an extension the State agency must provide data indicating that there are insufficient jobs in the State.
14. **Expiration date:** This waiver extension is approved effective March 1, 2006 and will expire on February 28, 2007
15. **Limitation on regional office approval of like requests:** This waiver is limited to the South Carolina State Agency.
16. **Quality Control Procedures:**
17. **Date of national office action:**
18. **Date of State Agency's request:** January 11, 2005
19. **Date of regional office transmittal of request to National Office:** January 19, 2005
20. **Actual implementation date:**