



MPFS-300:FS 10-1-1

JUN 17 2003

Judy Toelle  
Administrator  
Office of Food Stamps  
Department of Social Services  
700 Governors Drive  
Pierre, South Dakota 57501-2291

Dear Ms. Toelle:

Please refer to your April 24, 2003 letter, requesting an extension and modification of Waiver No. 990047. Under this waiver, individuals in certain areas are exempt from the provisions of Section 273.24 of the Regulations pertaining to Able-Bodied Adults Without Dependents (ABAWD).

Enclosed is the response to your request. Marshall and Moody Counties have been approved for an exemption based on an Unemployment Rate (UER) that is greater than the national UER for the 24-month period from February 1, 2001 through January 31, 2003. Bennett County has been exempted based on an employment to population ratio considerably lower than the national average. Residents on reservation and trust land in Day, Gregory, Hyde, Lyman, Roberts and Tripp Counties have been exempted based on UERs greater than 20 percent above the national average for the 24-month period of February 1, 2001 through January 31, 2003, as calculated through the use of census share ratios.

The waiver is approved through May 31, 2004 and is retroactive to May 1, 2003. Any request for an extension must be submitted to this office no later than March 31, 2004 and be accompanied with information to verify the basis for ABAWD exemptions for the requested areas.

If there are any questions concerning this matter, or if we may be of any assistance, Kathie Herrman may be contacted at (303) 844-0347 or by e-mail at [kathie.herrman@fns.usda.gov](mailto:kathie.herrman@fns.usda.gov).

Sincerely,

"Original Signed by  
Ralph W. Merrill"

THURMAN BRYANT  
Regional Director  
Food Stamp Program

Enclosure

cc/enc: Sharon Sonnenschein, Administrator, Quality Control, Department of Social Services,  
Pierre, South Dakota

bcc/enc: Arthur T. Foley, Director, Program Development Division, Food Stamp  
Program, Food and Nutrition Service, USDA, Alexandria, Virginia  
Sara Hostbjoer, OIC, FNS Field Office, Pierre, South Dakota  
Thomas Tinnin, Senior Program Specialist, Quality Control Unit, FSP, MPRO  
Martha Prince, Program Technician, Program Operations Section, FSP, MPRO

## Waiver Response

- 1     **Waiver serial numbers:** 990047
- 2     **Type of request:** Extension and modification
- 3     **Primary regulation citation:** 7 CFR 273.24(f)
- 4     **Secondary regulation citation:** None
- 5     **State:** South Dakota
- 6     **Region:** MPRO
- 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; or did not participate in and comply with requirements of a program under Section 20 or a comparable program established by the State.

7 CFR 273.24 (f) allows the States the opportunity to request a waiver when it is determined that the area in which the individual resides has an unemployment rate over 10 percent; or there are not sufficient jobs to provide employment for the individuals. The regulations at 7 CFR 273.24(f) establish the procedures for approving such waivers.

- 8     **Proposed alternative procedures:** South Dakota has requested a waiver of 7 CFR 273.24 for all individuals residing on or adjacent to South Dakota's Indian reservations or tribal government lands and in certain counties. The State agency is requesting exemptions for residents of Marshall and Moody Counties based on employment rates greater than 120 percent of the national average for the 24-month period from February 2001 through January 2003. The State agency is requesting a waiver for Bennett County based on an employment to population ratio significantly below the national average. The State agency is also requesting exemptions for residents of reservation and trust land in Day, Gregory, Hyde, Lyman, Roberts, and Tripp Counties based on UERs, calculated through the use of census share ratios, greater than 120 percent of the national average for the same 24-month period.

9 **Action and reason for approval or denial.** We are approving the State agency's waiver as requested. As indicated in the following tables, Marshall and Moody counties qualify for waivers based an UER that is greater than 6.4 percent (20 percent above the national UER of 5.3 percent for the 24-month period from February 1, 2001 through January 31, 2003).

**Marshall County, SD**

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann 2	YR-AVG
2001	6.1	6.3	8.1	9.7	5.7	6.2	5.6	5.6	6.9	6.4	9	12.1	7.3	
2002	12	10.2	10.7	8.7	6.2	5.6	5	4.3	3.5	3.5	5.3	7.8	6.9	7.2
2003	9.2	8.2	8.6											

**Moody County, SD**

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann 2	YR-AVG
2001	6.4	6	6	4.9	3.5	9.8	11	11.1	5.6	6	5.1	5.8	6.9	
2002	8.4	6.3	6.4	4.7	3.5	8.3	9.2	8.5	4.4	4.6	4.5	4.9	6.2	6.5
2003	6.3	5.6	5.9											

We are approving the State agency's request to exempt residents of Bennett County based on an employment to population ratio considerably below the national average of 62.7 percent (for calendar year 2002). Recent data indicate an employment to population ratio of 52.1 percent for residents of the county age 16-64, a figure significantly lower than the national average. We note that in its request the State agency used the employment to population for calendar year 2000 (75.2 percent).

We are approving the State agency's request to exempt residents of reservation and trust land in Day, Gregory, Hyde, Lyman, Roberts, and Tripp Counties based on UERs greater than 20 percent above the national average for the 24-month period, February 1, 2001 through January 31, 2003, as calculated through the use of census share ratios. The relevant data, developed by South Dakota Department of Labor, are indicated in the following table:

Reservation or Trust Land	County	UER
Lake Traverse (Sisseton)	Day Roberts	6.7%
Rosebud Trust Lands	Gregory Tripp	30.9%
Crow Creek	Hyde	10.2%
Lower Brule	Lyman	11.38%

- 10 **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24 (f) which allows the Secretary to waive the applicability of the work requirement provision in 7 CFR 273.24 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 over 10 percent or has insufficient jobs.
- 11 **Conditions and reasons:** None.
- 12 **Information required for extension:** Please submit information to verify the basis for an ABAWDS work exemption waiver in each county and Indian Reservation and Trust Lands.
- 13 **Expiration date:** This waiver is approved through May 31, 2004. Approval is retroactive to May 1, 2003.
- 14 **Limitation on regional office approval of like requests:** Approval of this waiver is limited to the South Dakota State agency.
- 15 **Quality control procedures:** None
- 16 **Date of national office action:**
- 17 **Date of State agency's request:** April 24, 2003
- 18 **Date of regional office transmittal of request to national office:** May 9, 2003
- 19 **Date of regional office transmittal of response to State agency:** JUN 17 2003
- 19 **Actual implementation date:**