

May 22, 2008

970057

SUBJECT: FSP –Texas – ABAWD Waiver

TO: Judy Barron, Regional Director  
Food Stamp Program  
Southwest Regional Office

This is in response to your April 30, 2008, e-mail forwarding a request from the Texas Health and Human Services Commission to extend and modify waiver #970057 that exempts individuals who reside in four counties that have unemployment rates in excess of 10 percent.

Our response approving this waiver is attached. If you have any questions, please contact Jennie Nelson of my staff at (703) 305-2446.

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Harriet Kornegay  
Assistant Branch Chief  
Certification Policy Branch  
Program Development Division

Attachment(s)

cc: Dan Wilusz, QC, PAD w/attachment  
Bob Dalrymple, ORNA w/attachment  
David Young w/attachment

FINAL:FNS:FSP:PDD:CPB:JNelson:vw:5/12/08  
DIR:I:CPB:WAIVERS:FY--08: 970057 TX ABAWD ( Ext. and Mod.)

## WAIVER RESPONSE

1. **Waiver Serial Number:** 970057
2. **Type of Request:** Extension and Modification
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:** N/A
5. **State:** Texas
6. **Region:** Southwest
7. **Regulatory Requirement:** 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 received benefits because they were 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. **Description of proposed alternative procedures:**

The Texas State Agency proposes to extend and modify this waiver to exempt from this requirement individuals who reside in 4 counties listed in the table below, based upon an unemployment rate exceeding 10 percent.

County	Average Unemployment Rate February 2005 – January 2006
Loving	10.8%
Maverick	11.1%
Starr	10.1%
Zavala	10.6%

9. **Action and reason for approval or denial:** We are approving the Texas State Agency request for four counties listed in paragraph 8 in accordance with the request submitted based upon the unemployment rate exceeding 10 percent by the State. All of the data submitted by the State meets the requirements of approval pursuant to 7 CFR 273.24(f)(3) and additional FNS guidance.
10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24(f)(3)(i), (ii), and (iii).
11. **Conditions and reasons:** None.
12. **Information required for extension:** To receive an extension the State agency must provide data or other information as described in 273.24(f)(2) and (f)(3). If Texas wishes to receive an extension based on unemployment rates, they must provide us with all supporting documentation, including spreadsheets in digital form.
13. **Expiration date:** This waiver is effective beginning October 1, 2008 and will expire on September 30, 2009.
14. **Limitation, if any, on regional office approval of like requests:** These waivers are limited to the Texas Health and Human Services Commission.
15. **Quality control procedures:** None.
16. **Date of national office action:** May 12, 2008
17. **Date of State agency's request:** April 14, 2008.
18. **Date of regional office transmittal of request:** April 30, 2008
19. **Date of regional office transmittal of response to State agency:**
20. **Actual implementation date:**