

April 7, 2006

970138

**SUBJECT:** FSP – Utah Request to Waive 7 CFR 273.24 – Work Requirements

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

This is in response to your memorandum forwarding the Utah State Agency’s request for an extension and modification of waiver 970138, which exempts individuals residing in various counties and cities from the work requirement for able-bodied adults without dependents (ABAWDs.)

We are approving Utah’s request. Our detailed response is attached. If you have any questions, please call Celeste Perkins at (703) 305-2507.

/s/

Harriet Kornegay  
Assistant Branch Chief  
Certification Policy Branch  
Program Development Division

Attachment

cc: All Regions except MPRO  
Bob Dalrymple, OANE (w/attachment)  
FNS National Arbitrator (w/Attachment)

FINAL:USDA:FNS:FSP:PDD:CPB:CPERKINS: 03-31-06:so  
DIR:I:CPB:Waivers:FY2006 970138 UT 2006 ABAWD Modification & Extension

Symbol	Surname	Date	Symbol	Surname	Date

## WAIVER RESPONSE

1. **Waiver serial number:** 970138
2. **Type of request:** Modification & Extension
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:**
5. **State:** Utah
6. **Region:** MPRO
7. **Regulatory Requirements:** 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 determines 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 State agency is requesting a modification and extension of its current waiver for individuals who reside in areas that do not have a sufficient number of jobs to provide employment for individuals subject to 7 CFR 273.24.

The State agency is requesting an exemption for eight counties and two cities listed as part of a contiguous sub-region that has an aggregate average unemployment rate of at least 20 percent above the national average of 6.5 during September 2003-August 2005. All of the raw data supporting the calculations come from the Bureau of Labor Statistics (BLS) website.

Each one of these sub-regions is a contiguous part of one of the seven multi-county planning Associations of Governments (AOGs) in the state. The boundaries of the planning AOGs were released by executive order of the

Governor on May 17, 1970. These boundaries were designated based on the “economic and demographic development patterns; organized inter- and intra-county relationships; existing intra-state and federal classifications recognized by government agencies, state-wide organizations, and other non-governmental groups and planners; [and] natural economic subdivisions.”<sup>1</sup>

These contiguous sub-regions are eligible based on aggregate average unemployment rates of at least 20 percent above the national average during September 2003-August 2005, when the national average unemployment rate plus 20 percent was 6.5.

Sub-region of Five County Association of Governments:

Area	Unemployment Rate, SEPT 03-AUG 05	Area	Unemployment Rate, SEPT 03-AUG 05
Garfield County	8.6	Kane County	5.6
		<b>Total for sub-region</b>	<b>6.9</b>

Garfield County qualifies based on having average unemployment rates of at least 20 percent above the national average during September 2003-August 2005. Kane County qualifies based on the area’s aggregate average unemployment rate, which is at least 20 percent above the national average of 6.5 during September 2003-August 2005.

Southeast Association of Governments:

Area	Unemployment Rate, SEPT 03-AUG 05	Area	Unemployment Rate, SEPT 03-AUG 05
Carbon County	7.1	Grand County	7.7
Emery County	7.2	San Juan County	9.9
		<b>Total for sub-region</b>	<b>7.8</b>

Carbon, Emery, Grand, San Juan Counties qualify based on having average unemployment rates of at least 20 percent above the national average of 6.5 during September 2003-August 2005.

Area	Unemployment Rate, SEPT 03-AUG 05
Sanpete County	6.5
Wayne County	6.8
Ogden city	7.9
West Valley city	7.0

In addition, the State is requesting to exempt residents in the Sanpete and Wayne Counties and the cities of Ogden and West Valley city based on having an average unemployment rate of at least 20 percent above the national average of 6.5 during September 2003-August 2005.

<sup>1</sup> Please refer to the following Internet site for more information Utah’s multi-county planning districts: <http://www.governor.state.ut.us/planning/aog/creation.htm>

9. **Action and reason for approval or denial:** The request is approved based upon insufficient jobs, as demonstrated by the labor force and unemployment data compiled by the Bureau of Labor Statistics. The state has provided extensive documentation that indicates that the requested contiguous areas which include eight counties and two cities (Carbon County, Emery County, Garfield County, Grand County, San Juan County, Kane County, Sanpete County, Wayne County, and Ogden and West Valley cities) had aggregate average unemployment rates of at least 20 percent above the national average of 6.5 for the noted accounting period September 2003 through August 2005.
10. **Regulatory 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 insufficient number of jobs.  
an insufficient number of jobs.
11. **Conditions and reasons:** N/A
12. **Information required for extension:** Please 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 effective from May 1, 2006 through April 30, 2007.
14. **Limitation on regional office approval of like requests:** This waiver is limited to the Utah State Agency.
15. **Quality Control Procedures:** N/A
16. **Date of national office action:**
17. **Date of State agency's request:** February 15, 2006
18. **Date of regional office transmittal of State agency's request to the national office:**
19. **Date of regional office transmittal of response to State agency:**
20. **Actual implementation date:**