

July 18, 2007

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.)

Utah is requesting an exemption for four counties and two cities. Three of the counties, Emery, Grand, and San Juan, qualify based on the area's aggregate average unemployment rate, which is at least 20 percent above the national average during February 2004 through January 2006. West Valley City also qualifies based on an average unemployment rate of at least 20 percent above the national average during February 2004 through January 2006. Garfield County and Ogden City qualify for exemption based on their designation as Labor Surplus Areas in federal fiscal year 2007.

We are making an exception in approving the Utah's waiver request for the period of 17 months as requested, due to their anticipation of a new computer system and they did not provide us with the data for a two-year waiver approval. Our detailed response is attached. If you have any questions, please call Jennie Nelson at (703) 305-2446.

SIGNED

Harriet Kornegay
Assistant Branch Chief
Certification Policy Branch
Program Development Division

Attachment

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

FINAL:FNS:FSP:PDD:CPB:JNELSON:dmw:305-2446:07-16-07
DIR:I:CPB:WAIVER 970138 UT 2007 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 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 Utah 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 Utah State Agency is requesting an exemption for four 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 5.3, or 6.3 percent, during February 2004 through January 2006. 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.

These contiguous sub-regions are eligible based on aggregate average unemployment rates of at least 20 percent above the national average during February 2004 through January 2006, when the national average unemployment rate plus 20 percent was 6.3.

Southeast Association of Governments:

Area	Labor Force	Unemployment	Area UER
Emery County	129,556	7,683	
Grand County	131,988	8,149	
San Juan County	128,389	10,579	
Total for Sub-region	389,933	26,411	6.8

San Juan County qualifies based on its designation as a Labor Surplus Area (LSA) in fiscal year (FY) 2007. Emery and Grand Counties qualify based on the area's aggregate average unemployment rates of at least 20 percent above the national average of 6.3 during February 2004 through January 2006.

In addition, the State of Utah is requesting to exempt residents in West Valley City based on having an average unemployment rate of at least 20 percent above the national average of 6.3 during February 2004 through January 2006.

County	Labor Force	Unemployment	Area UER
West Valley City	1,450,924	91,080	6.3

Finally, the State of Utah is requesting to exempt residents in Garfield County and Ogden City based on their designation as LSAs in FY 2007.

- 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 four counties and two cities (Emery County, Garfield County, Grand County, San Juan County, and Ogden and West Valley Cities) had aggregate average unemployment rates of at least 20 percent above the national average of 6.3 for the noted accounting period February 2004 through January 2006.

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.
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:** The waiver is approved retroactively to May 1, 2007 and will expire on September 30, 2008.
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:** June 26, 2007
17. **Date of State agency's request:** March 9, 2007
18. **Date of regional office transmittal of State agency's request to the national office:** April 20, 2007
19. **Date of regional office transmittal of response to State agency:**
20. **Actual implementation date:**