



APR 23 2008

United States
Department of
Agriculture

970138

Food and
Nutrition
Service

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

3101 Park
Center Drive

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

Alexandria, VA
22302-1500

This is in response to your memorandum of March 31, 2008 forwarding the Utah State Agency's request to extend and modify waiver 970138, which exempts individuals residing in certain counties and a city from the work requirements for able-bodied adults without dependents (ABAWDs.)

Utah is requesting to modify their ABAWD waiver by redefining the waived area as a sub-region consisting of four contiguous counties in the southeastern region of the state and modify the time period to begin May 1, 2008 and end June 30, 2009, a 14-month period. The State agency provided data from March 2005 to February 2007, a 24-month period, indicating unemployment rates 20 percent about the national average during that time period. Utah is submitting their request to renew their ABAWD waiver 5 months earlier than the September 30, 2008 expiration date of their current waiver and requesting two more months than the usual 12-month approval, because they feel the redefined and extended implementation period would contribute to their effort to stabilize their new eligibility system.

In 2007, Utah requested a 17-month extension for their ABAWD waiver, with the Mountain Plains Regional Office (MPRO) recommending a 24-month approval, even though their request was accompanied by only 24 months of unemployment data. Two year waiver approvals require 36 months of data showing unemployment rates 20 percent above the national average. The State agency's rationale for requesting a 17-month implementation period without adequate data was that they were programming their new eligibility system and needed to avoid the labor-intensive process of reprogramming each year to reflect new ABAWD policy. We did not approve the request for a two-year approval, but did approve their waiver for a 17-month period, as we were sympathetic to their circumstances. Had the waiver been approved as recommended by MPRO, the waiver would have had an implementation period of May 2007 through April 2009.

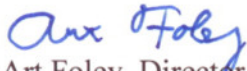
While we can certainly understand the State agency's desire to once more reduce their workload while they continue to implement their new eligibility system, National Office is not able to again approve a waiver extension for an extended period based on data that does not adequately support the request. Additionally, we are concerned that the early submission of the request and modification of the implementation dates are intended to

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approximate those from the 2007 request that we denied. We invite the State agency to resubmit a 12- or 24-month ABAWD waiver extension request for FFY 2009, accompanied by the appropriate data, with implementation dates that begin after their current waiver expires in September 2008.

If you have any questions, please call Melissa Daigle Katz at (703) 305-2501.



Art Foley, Director
Program Development Division

Attachments

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 State of Utah requests a modification and extension of waiver 970138 to exempt from the work requirements individuals residing in a sub-region consisting of four continuous counties in the southeastern region of the state. The State agency maintains that the sub-region is eligible based upon an aggregate unemployment rate of at least 20 percent above the national average during March 2005 through February 2007, when the national average unemployment rate plus 20 percent was 5.7, while Garfield and San Juan Counties are eligible based upon their individual unemployment rates for that same time period.

Sub-region of southeastern region

Area	Unemployment Rate, March 2005 – February 2007
Garfield County	5.7
Grand County	5.3
San Juan County	6.7
Wayne County	4.7
Total for Sub-region	5.8

9. **Action and reason for approval or denial:** Utah is requesting an ABAWD waiver for May 1, 2008 through June 30, 2009, a 14-month period. The State agency provided data from March 2005 to February 2007, a 12-month period. Utah has requested this extended implementation period because they wish to reduce their workload while they implement their new eligibility system. In 2007, National Office approved a 17-month implementation period for their ABAWD waiver, even though the State agency only provided data to support a 12-month approval, as they felt performing a yearly ABAWD update in their eligibility system would prove cumbersome during roll-out of the new eligibility system. National Office is not able to again approve a waiver extension for an extended period based on data that does not adequately support the request. Additionally, we are concerned that the early submission of the request and modification of the implementation dates are intended to approximate those from the 2007 request that we denied. We are therefore denying this request to modify and extend their current ABAWD waiver.
10. **Regulatory legislative basis for action:** This waiver is denied pursuant to 7 CFR 273.24(f) (1) (ii), as the State agency has not provided the Food and Nutrition Service (FNS) data to support their claim of insufficient jobs in the areas named in their waiver request.
11. **Conditions and reasons:** N/A
12. **Information required for future 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. Please submit both county and sub-region unemployment rates (if applicable), in addition to the raw data upon which those rates are based.
13. **Expiration date:** N/A
14. **Limitation on regional office approval of like requests:** N/A

15. **Quality Control Procedures:** N/A
16. **Date of national office action:** April 18, 2008
17. **Date of State agency's request:** February 15, 2008
18. **Date of regional office transmittal of State agency's request to the national office:** March 31, 2008
19. **Date of regional office transmittal of response to State agency:**
20. **Actual implementation date:**