

July 25, 2006

970283

SUBJECT: FNS – Virginia Request to Extend ABAWD Waiver 970283

TO: Joseph Weingart, Director  
Food Stamp Program  
Mid-Atlantic Region

This is in response to the Virginia State Agency's request of June 22, 2006, to modify and extend its waiver which exempts certain individuals from the work requirements of 7 CFR 273.24. The State bases its determination of insufficient jobs on U.S. Department of Labor data.

Our response is attached. The State agency was seriously late in submitting the waiver renewal to FNS for approval. Please remind the State agency of the need to submit timely requests for renewal in the future. FNS needs to receive such requests at least 60 days in advance of the expiration date. Even though it is not our policy to make approvals retroactive any earlier than the month the State agency submits the waiver request to FNS, we are reluctantly granting the State agency's request for retroactive approval of this extension back to May 1, 2006, for the 31 counties and cities in the Southern Region and for Williamsburg City. The 19 counties and cities that have lost their exemption status have been granted an extension for the months of May and June 2006 only.

If you have any questions, please contact Vicky Robinson at [vicky.robinson@fns.usda.gov](mailto:vicky.robinson@fns.usda.gov) or at (703) 305-2476.

/s/

Patrick Waldron  
Branch Chief  
Certification Policy Branch  
Program Development Division

Attachment

FINAL:USDA:FNS:FSP:PDD:CPB:VROBINSON:07/11/06:je  
FILE: ABAWDS (VA)  
DIR:I:CPB:WAIVER:970283 VA ABAWD mod & ext

## WAIVER RESPONSE

1. **Waiver serial number:** 970283
2. **Type of request:** Modification and Extension
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:** N/A
5. **State:** Virginia
6. **Region:** MARO
7. **Regulatory requirements:** The Food Stamp Program regulations at 7 CFR 273.24, provide that no individual will 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 of the Food Stamp Act or a comparable program established by the State.

The Food Stamp Program Regulations at 7 CFR 273.24(f) also provide 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:** Basing its determination of insufficient jobs on U.S. Department of Labor data, the Virginia State Agency is asking to extend its ABAWD waiver for 31 counties and cities based on having an unemployment rate of 20 percent above the national average of 5.3 percent, or 6.3 percent for the 24-month period of January 2004 to December 2005. The 31 counties and cities are in the southern part of the State and have been grouped into one main area called the Southern Region. The State agency is also requesting to extend Williamsburg City, which is just north of the Southern Region, based on its designation as a Labor Surplus Area (LSA).

Because the State is losing exemption in several counties and cities throughout the southern region and needs time to retrain staff in those jurisdictions, the State is also requesting an extension of its current waiver for the two-month period of May and June 2006 for 19 counties and cities.

**9. Justification for request:** To ensure the equitable distribution of food stamp benefits in areas experiencing high unemployment.

**10. Action and reason for approval or denial:** We are approving the State Agency's request to extend and modify waiver its waiver for the following 31 counties and cities, based on the area having an aggregate unemployment rate of at least 20 percent above the national average of 5.3 percent, or 6.3 percent for the 24-month period of January 2004 to December 2005:

**Southern Region (31 Counties and Cities)**

County/City	Average Labor Force	Average Number of Unemployed	Average Unemployment Rate for Area
Appomattox	6,817	304	
Bristol City	7,750	444	
Brunswick	6,581	412	
Buchanan	8,368	494	
Carroll	14,543	746	
Charles City	3,863	175	
Charlotte	5,612	382	
Danville City	21,038	2,024	
Dickenson	5,631	353	
Emporia City	2,427	160	
Galax City	3,160	168	
Giles	8,258	405	
Grayson	7,625	374	
Greensville	4,091	266	
Halifax	15,829	1,074	
Henry	25,695	2,037	
Hopewell City	10,308	579	
Lee	9,493	478	
Lunenburg	5,669	285	
Martinsville City	5,992	664	
Mecklenburg	13,229	637	
Norton City	1,573	85	
Patrick	8,942	627	
Petersburg City	14,381	1,072	
Pittsylvania	31,635	1,963	
Prince Edward	8,551	421	
Pulaski	18,090	926	
Russell	11,869	697	
Scott	9,830	527	
Smyth	15,420	753	
Sussex	4,456	290	
<b>Total</b>	<b>316,699</b>	<b>19,822</b>	<b>6.3 percent</b>

Because Williamsburg City's status as a labor surplus area expires at the end of September 2006, we are approving the city based on having an unemployment rate of at least 20 percent above the national average of 5.3 percent, or 6.3 percent, for the 24-month period of January 2004 to December 2005:

### 20 Percent City

City	Labor Force	Number of Unemployed	Unemployment Rate
Williamsburg	113,008	8,633	<b>7.6 Percent</b>

We are approving the State's request to continue its exemption for individuals residing in the following 19 counties and cities for the months of May and June 2006 only:

Counties		
Amelia	Amherst	Bedford
Bland	Buckingham	Campbell
Cumberland	Dinwiddie	Franklin
Nottoway	Page	Prince George
Surry	Tazewell	Washington
Wise	Wythe	
Cities		
Bedford	Lynchburg	

**11. Regulatory or legislative basis for action:** The waiver is approved pursuant to 7 CFR 273.24(f), which allows the Secretary to waive the applicability of the work requirement provision for any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside has insufficient jobs.

**12. Conditions and reasons:** N/A

**13. Information required for extension:** To receive an extension the State agency must provide data for the affected areas indicating that there continue to be insufficient jobs for individuals subject to 7 CFR 273.24.

**14. Expiration date:** This waiver modification is approved from May 1, 2006 through April 30, 2007.

**15. Limitation on regional office approval of like requests:** This waiver is limited to the Virginia State Agency.

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**16. Quality control procedures:** N/A

**17. Date of national office action:** July 19, 2006

**18. Date of State agency's request:** June 22, 2006

**19. Date of regional office transmittal of request to the national office:** July 6,  
2006

**20. Actual implementation date:**