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Regions:
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United States
Department of
Agriculture

SEP 28 2006

Food and
Nutrition
Service

2060070

3101 Park
Center Drive

SUBJECT: FSP – Virgin Islands Request for a 2-Year Waiver of 7 CFR 273.24

Alexandria, VA
22302-1500

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

This is in response to the Virgin Islands State Agency's request for a 2-year waiver of the work requirements of mandated by 7 CFR 273.24 for able-bodied adults without dependents (ABAWDs). Under the proposed waiver, residents of the territory subject to the provisions of 273.24 would be exempt for a period of two years based on an unemployment rate greater than 20 percent above the national average for a 36-month period prior to the date of the request.

Our response approving the State's waiver request is attached. If you have any questions please contact Vicky Robinson by email or by telephone at 703-305-2476.

Harriet Kornegay
Assistant Chief
Certification Policy Branch
Program Development Division

WAIVER RESPONSE

1. **Waiver serial number:** 2060070
2. **Type of request:** Initial request
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:**
5. **State:** Virgin Islands
6. **Region:** MARO
7. **Regulatory requirements:** 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; or did not participate in and comply with requirements of a program under Section 20 or a comparable program established by the State.

7 CFR 273.24(f) also provides that, 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 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 Virgin Islands State Agency is requesting a 2-year waiver of the work requirements of 7 CFR 273.24 for all residents potentially subject to those requirements. The State agency's request is based on an underemployment rate greater than 20 percent above the national average for a recent 36-month period. As indicated in the following table, the unemployment rate for the Virgin Islands for the 36-month period ending June 2006 was 7.6 percent, well above the 6.4 percent threshold for the approval of a 2-year waiver.

Year	Month	Civilian Labor Force	Unemployed		
2003	Jan	48420	4670		
2003	Feb	48630	4710		
2003	Mar	48870	4740		
2003	Apr	48570	4670		
2003	May	48210	4600		
2003	Jun	48100	4580		
2003	Jul	48450	4620		
2003	Aug	48180	4490		
2003	Sep	47510	4440		
2003	Oct	47630	4380		
2003	Nov	47760	4270		
2003	Dec	47680	4180		
2004	Jan	49828	4094		
2004	Feb	50401	4024		
2004	Mar	50282	3986		
2004	Apr	50020	3885		
2004	May	50092	4110		
2004	Jun	49823	4111		
2004	Jul	50927	4189		
2004	Aug	50369	3917		
2004	Sep	49622	3957		
2004	Oct	49841	3935		
2004	Nov	49987	3814		
2004	Dec	49599	3556		
2005	Jan	51222	3624		
2005	Feb	52162	3493		
2005	Mar	51267	3618		
2005	Apr	50814	3635		
2005	May	50438	3929		
2005	Jun	50446	3692		
2005	Jul	51566	3504		
2005	Aug	51149	3671		
2005	Sep	50532	3800		
2005	Oct	50512	3672		
2005	Nov	50396	3400		
2005	Dec	50370	3228		
2006	Jan	50178	3150		
2006	Feb	50627	3095		
2006	Mar	50599	3158		
2006	Apr	50602	2998		
2006	May	50594	3149		
2006	Jun	50789	3319	Rate	Approval Threshold
36-month total		1802264	136093	7.6%	
National Threshold		5342514	284617	5.3%	120% of 5.3%=6.4%

9. **Action and reason for approval or denial:** We are approving the State agency's request for a waiver of the work requirements of 7 CFR 273.24, based on data provided by the State agency indicating an unemployment rate greater than 20 percent above the national average for specific 36-month period. The periods utilized by the State are included in the tables as are the thresholds of 20 percent above the national average for the respective periods.
10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24(f), which allows 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 unemployment rate over 10 percent, or does not have a sufficient number of jobs to provide employment for the affected individuals as provided for at 7 CFR 273.24(f)(3)(iii).
11. **Conditions and reasons:** NA
12. **Information required for extension:** To receive an extension the State agency must provide verifiable data as outlined in 7 CFR 273.24(f) indicating that there are insufficient jobs in the affected areas.
13. **Expiration date:** This waiver is effective October 1, 2006 and will expire on September 30, 2008.
14. **Limitation, if any, on regional office approval of like requests:** This waiver is limited to the Virgin Islands State Agency.
15. **Quality control procedures:** There is no special quality control procedures needed in conjunction with this waiver.
16. **Date of national office action:**
17. **Date of State agency's request:** September 11, 2006
18. **Date of regional office transmittal of request to national office:** Forwarded by the regional office by email on September 13, 2006
19. **Date of regional office transmittal of response to State agency:**
20. **Actual implementation date:**