

2060070

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

TO: William Kluxen, Regional Director
Food Stamp Program
Mid-Atlantic Region

This is in response to the Virgin Islands State Agency’s request for an extension of their 2-year waiver of the work requirements as mandated by 7 CFR 273.24 for able-bodied adults without dependents (ABAWDs). Under this waiver, residents of the territory subject to the provisions of 273.24 have been 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.

We are approving an extension of this waiver for another 2-year period, from October 1, 2008 until September 30, 2010. Additional information about this waiver extension is attached. If you have any questions please contact Linda Jupin by email or by telephone at 703-305-2437.

/S/

Angela Kline
Assistant Chief
Certification Policy Branch
Program Development Division

Attachment

USDA:FNS:FSP:PDD:CPB:LJupin: 09/22/08 & 09/24/08
DIR:I:CPB:WAIVERS:FY 2009: 2060070 VI ABAWD: Extension Approval

Symbol	Surname	Date	Symbol	Surname	Date

WAIVER RESPONSE

1. **Waiver serial number:** 2060070
2. **Type of request:** Extension
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 the requirements of a program under 7 CFR 273.24(a)(3) or 7 CFR 273.24(a)(4).

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 an extension of this 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 unemployment 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 May 2008 was 6.2 percent, which exceeds the 5.7 percent threshold for the approval of a 2-year waiver.

Year	Month	VI Civilian Labor Force	VI Unemployed
2005	June	50446	3692
2005	July	52056	3504
2005	Aug	51485	3671
2005	Sep	51090	3800
2005	Oct	50748	3672
2005	Nov	51052	3400
2005	Dec	51122	3228
2006	Jan	50741	3150
2006	Feb	51483	3095
2006	Mar	52236	3158
2006	Apr	51727	2998
2006	May	51432	3149
2006	Jun	52263	3319
2006	July	52370	3234
2006	Aug	52176	3339
2006	Sep	52063	3291
2006	Oct	52139	3312
2006	Nov	52516	3194
2006	Dec	52698	3065
2007	Jan	51587	2997
2007	Feb	52329	3065
2007	Mar	52495	3060
2007	Apr	52310	3147
2007	May	53172	3104
2007	Jun	53466	3005
2007	Jul	53876	3314
2007	Aug	53067	3184
2007	Sep	52423	3159
2007	Oct	52425	3173
2007	Nov	52414	3119
2007	Dec	52479	3154
2008	Jan	52100	3092
2008	Feb	52535	3035
2008	Mar	52699	3001
2008	Apr	52850	3035
2008	May	52638	3052
36-month total		1876708	115967
VI Unemployment rate = 115967/1876708 = 6.2%			
National Unemployment rate for June 2005-May 2008 = 4.7%			
Waiver Approval Level = 120% of Nat'l Unemployment rate = 5.7%			

9. **Action and reason for approval or denial:** We are approving the State agency's request for an extension of this waiver of the work requirements of 7 CFR 273.24. This waiver is 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, 2008 and will expire on September 30, 2010.
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:** No special quality control procedures are needed in conjunction with this waiver.
16. **Date of State agency's request:** August 18, 2008
17. **Date of regional office transmittal of request to national office:** August 29, 2008
18. **Date of national office action:** September 25, 2008
19. **Date of regional office transmittal of response to State agency:**
20. **Actual implementation date:**