

June 22, 2005

2020071

SUBJECT: FNS - Wisconsin Request to Modify Waiver of ABAWD Requirements under 7 CFR 273.24

TO: Tim English, Regional Director
Food Stamp Program
Midwest Region

This is in response to Wisconsin's request to continue to exempt able-bodied adults without dependents (ABAWDS) in certain areas within the State from the work requirements of 7 CFR 273.24 because of insufficient jobs. In addition, the State agency is requesting to use its 15 percent exemption allocations for the non-waived areas.

Our response is attached. Please contact Vicky Robinson of my staff at (703) 305-2476 if you have any questions.

/s/

Patrick Waldron
Chief
Certification Policy Branch
Program Development Division

Attachment

cc: All Regions (except MWRO), w/attachments
PAD-QC w/attachment
OAE - Bob Dalrymple, w/attachments
OAE Kate Fink, w/attachments
David Young w/attachments

FINAL:USDA:FNS:FSP:PDD:CPB:VRobinson:05/27/05:REVISED:6/22/05:je
FILE:ABAWDS:WISCONSIN:2020071 Folder II
DIR:I:CPB:WAIVERS: 2020071 WI ABAWD Mod & Ext.

WAIVER RESPONSE

1. **Waiver serial number:** 2020071
2. **Type of request:** Modification and Extension
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:**
5. **State:** Wisconsin
6. **Region:** MWRO
7. **Regulatory requirements:** The Food Stamp Program regulations at 7 CFR 273.24 provide 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.

The Food Stamp Program regulations at 7 CFR 273.24(f) also provide that, upon the request of a State agency, the Food and Nutrition Service 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 Wisconsin State Agency has asked to extend waiver #2020071 for the following counties and cities:

Counties				
Ashland	Bayfield	Clark	Florence	Forest
Green Lake	Iron	Juneau	Langlade	Lincoln
Manitowoc	Marinette	Marquette	Menominee	Milwaukee
Oconto	Polk	Price	Rusk	Washburn
Cities				
Beloit City	Green Bay	Janesville	Kenosha	West Bend

The State is also modifying its waiver request by adding Appleton City and certain counties and then grouping some of the counties into sub-regions, or areas. Each combined area would have an aggregate average unemployment rate of 20 percent above the national average unemployment rate for calendar year (CY) 2002-2003. The exception would be the areas titled Sub-region B of North Central and Janesville City, which would have an aggregate average unemployment rate of 20 percent above the national average for CY 2003-2004.

9. **Action and reason for approval or denial:** Based on Department of Labor data, we are approving Wisconsin's request to modify and extend its ABAWD waiver #2020071, with the exception of Oneida County. The areas listed below are approved based on having an average unemployment rate of at least 20 percent above the national average of 5.9, or 7.1 percent for CY02-03:

Sub-region of Bay-Lake Region:

Area	Unemployment Rate, CY 2002-2003	Area	Unemployment Rate, CY 2002-2003
Door County	6.9	Manitowoc County	7.3
Kewaunee County	6.2	Total for sub-region	7.1

Sub-region of East Central Region:

Area	Unemployment Rate, CY 2002-2003	Area	Unemployment Rate, CY 2002-2003
Green Lake County	7.0	Waushara County	6.7
Marquette County	9.0	Total for sub-region	7.4

Sub-region A of North Central Region:

Area	Unemployment Rate, CY 2002-2003	Area	Unemployment Rate, CY 2002-2003
Adams County	5.2	Juneau County	9.7
		Total for sub-region	7.7

Sub-region of Northwest Region:

Area	Unemployment Rate, CY 2002-2003	Area	Unemployment Rate, CY 2002-2003
Ashland County	8.8	Rusk County	7.8
Bayfield County	7.1	Sawyer County	6.1
Iron County	8.5	Taylor County	6.2
Price County	6.2	Washburn County	7.1
		Total for sub-region	7.1

Area	Unemployment Rate, CY 2002-2003	Area	Unemployment Rate, CY 2002-2003
Milwaukee County	7.1	Racine County	7.9

Area	Unemployment Rate, CY 2002-2003
Appleton City, Winnebago County part	8.4

For Sub-region B, the State agency erred in computing the national unemployment rate (UER) and the 20 percent threshold by averaging DOL data instead of using DOL raw data for the 24-month period of CY03-04. Based on DOL raw data, the total civilian labor force for CY03-04 was 3526788 (in thousands). Total unemployment level for the same time period was 203004 (in thousands). Therefore the national UER for CY03-04 is $203004/3526788=5.76$. The 20 percent threshold is 6.9 (5.76 multiplied by 120 percent). For a county or area in Sub-region B to fall under this waiver approval, its UER must be at least 6.9 percent or the county must be on the LSA list.

Therefore, the areas listed below are approved based on having an unemployment rate of at least 20 percent above the national average of 5.76, or 6.9 percent, for CY03-04: based on data obtained from the Department of Labor:

Sub-region B of North Central Region:

Area	Unemployment Rate, CY 2003-2004	Area	Unemployment Rate, CY 2003-2004
Forest County	6.9	Vilas County	6.7
Langlade County	8.3		
Lincoln County	6.6	Total for sub-region	7.1

Area	Unemployment Rate, CY 2003-2004
Janesville City	6.9

The following counties and cities are also approved based on their designation as Labor Surplus Areas (LSAs):

Beloit City	Clark	Florence	Green Bay City	Kenosha City
Marinette	Menominee	Oconto	Polk	West Bend City

Oneida County as part of Sub-region B of North Central Region is denied as it doesn't meet any of the criteria for having insufficient jobs. By removing Oneida County, the rest of the counties in the Sub-region B area have an average unemployment rate of 20 percent above the national average, or 7.1 percent, for CY03-04. We approved all six cities and 28 out of 29 requested counties.

The State does not need a waiver to use whatever 15 percent exemptions it has if the State chooses to exempt the remaining ABAWDS in the rest of the State that are not covered under this waiver.

10. **Regulatory or legislative basis for action:** The waiver is approved under the authority of 7 CFR 273.24(f), which allows FNS to waive the applicability of the work requirement provision for any group of individuals in the State if FNS makes a determination that the area in which the individuals reside has insufficient jobs.
11. **Conditions and reasons:** n/a
12. **Information required for extension:** To receive an extension the State agency must provide data indicating that there are insufficient jobs in the affected areas.
13. **Expiration date:** This waiver is effective from April 1, 2005 through March 31, 2006.
14. **Limitation, if any, on regional office approval of like requests:** This waiver is limited to the Wisconsin State Agency.
15. **Quality control procedures:** None
16. **Date of national office action:** May 27, 2005
17. **Date of State agency's request:** April 21, 2005
18. **Date of regional office transmittal of request to national office:**