

February 2, 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 the Wisconsin State Agency's request of December 23, 2004, to modify their current waiver #2020071 to waive 7 CFR 273.24. The State agency is requesting that 5 counties be added to this waiver based on the Bureau of Labor Statistics (BLS) data that shows them as having unemployment rates 20 percent above the national average for calendar years 2001 and 2002. The State is also requesting to add the city of West Bend, which had an unemployment rate above the 120 percent threshold during fiscal years 2002 and 2003 according to BLS.

In addition, the State agency is requesting retroactive approval from April 1, 2004 through March 31, 2005. We are not approving these modifications retroactively.

Our complete response is attached. Please contact Celeste Perkins of my staff at (703) 305-2507 if you have any questions.

/s/

Harriet Kornegay
Acting 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 Mike Depiro, w/attachments
David Young w/attachments

FINAL:USDA:FNS:FSP:PDD:CPB:CPerkins:02/01/05:jas:2/2/05:je

FILE:ABAWDS:Wisconsin

DIR:I:CPB:WAIVERS: 2020071 WI ABAWD (Ext. 2005)

WAIVER RESPONSE

1. **Waiver serial number:** 2020071
2. **Type of request:** Modification
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 for a modification of waiver 2020071 to add the following five counties: Green Lake, Lincoln, Manitowoc, Milwaukee, and Rock based on the fact that their unemployment rates were 20 percent above the national average for calendar years 2001 and 2002, according to the U.S. Department of Labor. The State agency also asked to add the city of West Bend, based on unemployment rates 20 percent above the national average for fiscal years of 2002 and 2003.

The Wisconsin State Agency is also requesting retroactive approval from April 1, 2004, and extending through March 31, 2005.

9. **Action and reason for approval or denial:** Based on review of recent data from the Bureau of Labor Statistics (BLS), we are approving the Wisconsin State Agency's request to modify waiver 2020071 by including the 5 counties and 1 city cited below based on their high unemployment rates.

Counties	Unemployment Rate, CY 2001-2002
Green Lake	6.4
Lincoln	6.9
Manitowoc	6.9
Milwaukee	7.5
Rock	7.0

City	Unemployment Rate, FY 2002-2003
West Bend	8.3

However, we are not approving the State's request to add the counties of Green Lake, Lincoln, Manitowoc, Milwaukee, and Rock, and the city of West Bend retroactively based on the above data. The State has already used the 15% exemptions on these areas and is now asking for retroactive approval. We cannot do this. Therefore, we are approving these areas effective the date of this waiver approval until the expiration of this waiver on March 31, 2005.

10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24(f)(1)(ii), which allows the Food and Nutrition Service (FNS) to waive the applicability of the work requirement provision in 7 CFR 273.24 for areas where unemployment rates are 20 percent above the national average for the same 24-month period.
11. **Conditions and reasons:**
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 from the date of this waiver through March 31, 2005.

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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:**
17. **Date of State agency's request:** December 23, 2004
18. **Date of regional office transmittal of request to national office:** January 12, 2005