

DEC 07 1999

970036 and 970037

SUBJECT: FSP - West Virginia - Request to Waive Section 6(o) of the Food Stamp Act, as Amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996

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

This is in response to the West Virginia State Agency's request of October 25, 1999, for an extension of waivers no. 970036 and no. 970037, which exempted individuals residing in several counties from the work requirement for able-bodied adults without dependents.

Our responses are attached. In addition to approving the exemptions for all of the areas included in the State agency's request, we are also approving an exemption for Mineral County (waiver no. 970037), based on the county's designation as a Labor Surplus Area(LSA). We discovered that the county was included in the Department of Labor's most recent list of designated LSAs and, following a telephone conversation between Joe Yehl of your staff and Larry Tropp of mine, determined that the State agency wishes to exempt all of the eligible areas in the State.

If you have any questions, please contact Larry Tropp of my staff at 703-305-2437.

John H. Knaus
John
Arthur T. Foley
Director
Program Development Division

Attachments

cc: John Knaus, Joe Shea, Maurice Tracy, Mike DePiro, All Regions (except MARO),
Civil Rights
CPB (circulate)

FNS:FSP:PDD:CPB:LTropp:final:12/3/99:va

FC: ABAWD

DIR: I:\cpb\waivers\970036 WV ext memo (1999)

Search	Date
<i>John H. Knaus</i>	<i>12/17/99</i>

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Waiver Response

1. **Waiver serial number:** 970036
2. **Type of request:** Extension
3. **Primary regulation citation:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, P. L. 104-193.
4. **Secondary regulation citation:**
5. **State:** West Virginia
6. **Region:** MARO
7. **Regulatory Requirements:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), P. L. 104-193, 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 Section 20 or a comparable program established by the State.

Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, also provides 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:** The State agency is asking to waive the requirements of Section 824 of the PRWORA for individuals residing in the following counties, based on unemployment rates over 10 percent: Barbour, Boone, Braxton, Calhoun, Clay, Fayette, Lincoln, Logan, McDowell, Mason, Mingo, Ritchie, Roane, Wetzel, Wirt, and Wyoming Counties.
9. **Action and reason for approval or denial:** We approving the State agency's waiver as requested. We agree that the data provided by the West Virginia Bureau of Employment Programs, Division of Labor and Economic Research, a BLS

cooperating agency, is sufficient to support the State's waiver request exempting residents of Barbour, Boone, Braxton, Calhoun, Clay, Fayette, Lincoln, Logan, McDowell, Mason, Mingo, Ritchie, Roane, Wetzel, Wirt, and Wyoming Counties from the work requirement of Section 6(o) of the Act.

10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, which allows the Secretary to waive the applicability of the work requirement provision in Section 6(o) 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 over 10 percent.
11. **Conditions and reasons:** N/A
12. **Information required for extension:** Please submit information from the BLS cooperating agency which indicates unemployment rates over 10 percent.
13. **Expiration date:** This waiver will expire on December 31, 2000.
14. **Limitation on regional office approval of like requests:** This waiver is limited to the West Virginia State Agency.
15. **Quality Control Procedures:** There are no special quality control procedures needed in conjunction with this waiver.
16. **Date of national office action:**
17. **Date of State agency's request:** October 25, 1999
18. **Date of regional office transmittal of response to State agency:**

Waiver Response

1. **Waiver serial number:** 970037
2. **Type of request:** Extension
3. **Primary regulation citation:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, P. L. 104-193.
4. **Secondary regulation citation:**
5. **State:** West Virginia
6. **Region:** MARO
7. **Regulatory Requirements:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), P. L. 104-193, 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 section 20 or a comparable program established by the State.

Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, also provides 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:** The State agency is asking to waive the requirements of Section 824 of the PRWORA for the following counties based on insufficient jobs as indicated by their designation as Labor Surplus Areas (LSAs) by the Employment and Training Administration of the U. S. Department of Labor: Brooke, Doddridge, Gilmer, Grant, Greenbrier, Hancock, Harrison, Jackson, Lewis, Marion, Nicholas, Pleasants, Pocahontas, Preston, Raleigh, Randolph, Summers, Taylor, Tucker, Tyler, Upshur, and Webster.

In addition, the State agency is requesting that Marshall and Wayne Counties be waived in their entirety based on the fact that portions of each county have been designated as LSAs. The State agency administers its program at the county level. According to the State agency, partial county approval would create administrative difficulties since mailing addresses do not always reflect the geographic area affected by a waiver.

Marshall County, with the exception of the City of Wheeling, is a designated LSA. Since the Wheeling City portion of the county is very small (167 out of a total county population of 35,441) the State agency feels that the entire county should be exempt. Based on the belief that Huntington City, which is partially located in Wayne County, is not a designated LSA, the State agency has requested a waiver for the county based on an unemployment rate greater than 20% above the national average for a recent 24-month period rather than LSA designation.

9. **Action and reason for approval or denial:** As requested by the State agency, we are approving exemptions for Brooke, Doddridge, Gilmer, Grant, Greenbrier, Hancock, Harrison, Jackson, Lewis, Marion, Nicholas, Pleasants, Pocahontas, Preston, Raleigh, Randolph, Summers, Taylor, Tucker, Tyler, Upshur, and Webster Counties based on their designation as LSAs.

We are also approving exemptions for Mineral and Wayne Counties based on LSA designation although the State agency was apparently not aware that both counties are designated LSAs. As indicated in paragraph 8 above, the request for Wayne County was based on the belief that Huntington City, which is part of the county is not a designated LSA. Our review of the most recent LSA list, published in the Federal Register on October 15, 1999 at 64 FR 55969, indicated that both Huntington City and the balance of Wayne County are designated LSAs (they are listed separately in the Federal Register Notice). Our review of the list also indicated that Mineral County, which was not included in the State agency's request, is a designated LSA. Based on telephone confirmation with your staff, we are including Mineral County in the this waiver. We are also approving the State agency's request to include Marshall County, in its entirety, in the waiver. As indicated above, the Wheeling City portion of the county, which is not a designated LSA, represents less than 0.5% of the county's population.

10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, which allows the Secretary to waive the applicability of the work requirement provision in Section 6(o) for any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside have insufficient jobs.

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11. **Conditions and reasons:** N/A
12. **Information required for extension:** Please submit current information that indicates the exempt areas have insufficient jobs.
13. **Expiration date:** This waiver will expire December 31, 2000.
14. **Limitation on regional office approval of like requests:** This waiver is limited to the West Virginia State Agency.
15. **Quality Control Procedures:** There are no special quality control procedures needed in conjunction with this waiver.
16. **Date of national office action:**
17. **Date of State agency's request:** October 25, 1999
18. **Date of regional office transmittal of response to State agency:**