

April 13, 2005

970037

SUBJECT: FSP - West Virginia - Request to waive 7 CFR 273.24

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

This is a revision specifically to section 11 of the West Virginia State Agency's request of February 2, 2005, for an extension of waiver no. 970037 from April 1, 2005 through March 31, 2006. This waiver exempts individuals residing in several counties from the work requirement for able-bodied adults without dependents.

Please see our response attached. If you have any questions, please contact Celeste Perkins of my staff at 703-305-2507.

/s/

Harriet Kornegay
Acting Branch Chief
Program Development Division

Attachment

FINAL:FNS:FSP:PDD:SPB:Cperkins:04/08/05:so
FILE: ABAWDS (W. VA)
DIR:I:CPB:WAIVERS:970037 – WV Memo & Ext.2005.jn

Waiver Response

1. **Waiver serial number:** 970037
2. **Type of request:** Extension
3. **Primary regulation citation:** 7 CFR 273.24(f)
4. **Secondary regulation citation:**
5. **State:** West Virginia
6. **Region:** MARO
7. **Regulatory Requirements:** The Food Stamp Program regulations at 7 CFR 273.24(f) 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; or received benefits because they were exempt from these requirements.

7 CFR 273.24(f) 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. **Action and reason for approval or denial:** We approve the State agency's waiver as requested in part. The following 29 counties are exempted based on their designation as LSAs in 2005: Barbour, Boone, Braxton, Calhoun, Clay, Fayette, Gilmer, Grant, Greenbrier, Jackson, Lewis, Lincoln, Logan, Mason, McDowell, Mineral, Mingo, Nicholas, Pleasants, Pocahontas, Ritchie, Roane, Summers, Tucker, Upshur, Webster, Wetzell, Wirt, and Wyoming from the work requirement of 7 CFR 273.24(f)

However, we are denying the waiver request for Wood County. Although Parkersburg is designated as an LSA in Wood County, the population of 33,099 or approximately 37.6% does not justify approving the entire county.
9. **Regulatory or legislative basis for action:** The 29 counties cited above are approved pursuant to 7 CFR 273.24(f) which allows the Secretary to waive the applicability of the work requirement provision in 7 CFR 273.24(f) for any group of individuals in the

State if they reside in an area designated as a Labor Surplus Area per 273.24(f)(3)(ii).

10. **Conditions and reasons:** N/A
11. **Information required for extension:** Information from the Department of Labor's Employment and Training Administration designating the location as a Labor Surplus Area or that they have insufficient jobs as provided in 7 CFR 273.24(f).
12. **Expiration date:** This waiver will expire on March 31, 2006.
13. **Limitation on regional office approval of like requests:** This waiver is limited to the West Virginia State Agency.
14. **Quality Control Procedures:** There are no special quality control procedures needed in conjunction with this waiver.
15. **Date of national office action:**
16. **Date of State agency's request:** February 2, 2005
17. **Date of regional office transmittal of response to State agency:**