

May 2, 2006

970037

SUBJECT: FSP – West Virginia - Request to Waive 7 CFR 273.24

TO: Joseph Weingart, Regional Director
Food Stamp Program
MARO

This memorandum is in response to the West Virginia State Agency's request to extend waiver number 970037 from April 1, 2006 through March 31, 2007. The waiver exempts individuals residing in three contiguous regions within the State.

The waiver has been retroactively approved, and our response is attached. For your information, the national unemployment rate plus 20 percent for the Northern Region is listed as 7.1 percent. The correct rate is 6.3 percent. This change, however, does not alter the approval.

If you have any questions, please call Dwight Ricker at (703) 305 -2468.

/s/

Harriet Kornegay
Assistant Branch Chief
Certification Policy Branch
Program Development Division

FINAL:FNS:FSP:PDD:CPB:DRicker 04/11/06:so
DIR: I:CPB:Waivers: 970037 WV ABAWD FY06 (Extension)

Symbol	Surname	Date	Symbol	Surname	Date

WAIVER RESPONSE

1. **Waiver serial number:** 970037
2. **Type of request:** Extension
3. **Primary regulation citation, if any:** 7 CFR 273.24(f)
4. **Secondary regulation citation, if any:** 7 CFR 273.24 (f)(3)(iii)
5. **State:** West Virginia
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; did not participate in and comply with requirements of a program under Section 20 or a comparable program established by the State; or was exempt from these requirements.

7 CFR 273(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.

In addition, 7 CFR 273.24 (f)(3)(iii) permits states to use “data from the BLS or the BLS cooperating agency that an area has a 24-month average unemployment rate that exceeds the national average by 20 percent for any 24-month period no earlier than the same periods the ETA used to designate LSAs for the current fiscal year.”
8. **Proposed procedures:** West Virginia is seeking waivers for these contiguous regions based on aggregate average unemployment rates of at least 20 percent above the national average. Region 1, the Northern Region, is at least 20 percent above the national average for calendar years 2004 and 2005. During this period, the national average unemployment rate plus 20 percent was 7.1. Region 2, the Central Region, is at least 20 percent above the national average for calendar years 2003 and 2004. During this period, the national average unemployment rate plus 20 percent was 6.9. Region 3, the

Southern Region, is also at least 20 percent above the national average for calendar years 2003 and 2004. During this period, the national average unemployment rate plus 20 percent was 6.9.

Region 1 – Northern Region

County	Unemployment Rate, CY 2004-2005
Brooke	7.3
Hancock	7.5
Total for Region	7.4

Brooke and Hancock Counties qualify for waivers based on the area's aggregate average unemployment rate, which is at least 20 percent above the national average for calendar years 2004 and 2005.

Region 2 – Central Region

County	Unemployment Rate, CY 2003-2004	County	Unemployment Rate, CY 2003-2004
Barbour	6.8	Nicholas	6.4
Braxton	6.7	Pleasants	6.8
Calhoun	10.5	Pocahontas	6.4
Clay	8.4	Ritchie	7.2
Fayette	6.8	Roane	8.4
Gilmer	5.3	Summers	6.4
Grant	7.1	Tucker	6.9
Greenbrier	6.0	Tyler	7.3
Jackson	7.3	Upshur	5.9
Lewis	6.2	Webster	6.1
Marshall	6.2	Wetzel	8.5
Mason	8.8	Wirt	8.3
Mineral	6.4	Total for Region	6.9

Calhoun, Clay, Grant, Jackson, Mason, Ritchie, Roane, Tyler, Wetzel, and Wirt counties are currently eligible as labor surplus areas (LSAs). Barbour, Braxton, Fayette, Gilmer, Greenbrier, Lewis, Marshall, Mineral, Nicholas, Pleasants, Pocahontas, Summers, Tucker, Upshur, and Webster counties qualify for a waiver based on the area's aggregate average unemployment rate, which is at least 20 percent above the national average for calendar years 2003 and 2004.

Region 3 – Southern Region

County	Unemployment Rate, CY 2004-2005
Boone	5.6
Lincoln	7.0
Logan	6.7
Mingo	8.2
McDowell	11.2
Wyoming	7.2
Total for Region	7.4

Lincoln, Mingo, McDowell and Wyoming counties are currently eligible as labor surplus areas (LSAs). Boone and Logan counties qualify for a waiver based on the area's aggregate average unemployment rate, which is at least 20 percent above the national average for calendar years 2003 and 2004.

9. **Action and reason for approval or denial:** As stated in number 8 above, the areas listed have an average unemployment rate of at least 20 percent above the national average during a recent 24-month time period. All of the raw data supporting the calculations are from the Bureau of Labor Statistics website. The waiver is approved.
10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24 which allows the Food and Nutrition Service to waive the applicability of the work requirements provisions 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 insufficient number of jobs.
11. **Conditions and Reasons: N/A**
12. **Information required for extension:** Please submit supporting unemployment data that relies on standard Bureau of Labor Statistics data and/or methods and data indicating unemployment over 10 percent or a lack of sufficient jobs.
13. **Expiration date:** March 31, 2007
14. **Limitation:** Waiver applies to West Virginia State agency.
15. **Quality Control Procedures: N/A**
16. **Date of national office actions:**
17. **Date of State agency's request:**
18. **Date of regional office transmittal of response to national office:**
19. **Actual implementation date:**