

March 2, 2007

970037

SUBJECT: West Virginia Able-bodied Adults Without Dependents (ABAWD)
Waiver of 7 CFR 273.24

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

This is in response to your memorandum of February 16, 2007 transmitting the West Virginia State agency's request to modify and extend its waiver which exempts certain individuals from the work requirements of 7 CFR 273.24 based on insufficient jobs. The State based its determination of insufficient jobs on U.S. Department of Labor data.

Our response approving the State's request is attached. If you have any questions, please contact Vicky Robinson at vicky.robinson@fns.usda.gov or at (703) 305-2476.

/s/

Patrick Waldron
Chief
Certification Policy Branch

Attachment

cc: All Regions (except MARO)
Bob Dalrymple OAE
John Knaus
Civil Rights

FINAL:FNS:FSP:PDD:CPB:VROBINSON:03/01/07:mcl
DIR:I:CPB:WAIVERS:FY2007:970037 WVABAWD mod & ext

Symbol	Surname	Date	Symbol	Surname	Date

WAIVER RESPONSE

1. **Waiver serial number:** 970037
2. **Type of request:** Extension and Modification
3. **Primary regulation citation:** 7 CFR 273.24(f)
4. **Secondary regulation citation:**
5. **State:** West Virginia
6. **Region:** Mid-Atlantic
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 273.24(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. **Proposed alternative procedures:** The West Virginia Agency is to extend its ABAWD waiver to exempt individuals residing in certain counties in 3 regions from the work requirements of 7 CFR 273.24. The State agency modified its waiver by adding or removing certain counties within each region. Specifically, Ohio County has been added to Region 1 - Northern Region, Doddridge and Monroe Counties have been added to Region 2 - Central Region, and Wayne County has been added to Region 3 – Southern Region with Boone and Logan Counties removed.

Based on data obtained from the U.S. Department of Labor's Bureau of Labor Statistics, each of the following areas has an aggregate average unemployment rate (UER) of at least 20 percent above the national average of 4.9 percent, or 5.9 percent, for the 24-month period of November 2004 through October 2006:

National Unemployment Rate (UER):

Labor Force	Unemployed	UER
3,599,937,000	177,291,000	4.9

Region 1 – Northern Region

County	Labor Force	Unemployed	UER
Brooke	267,437	18,438	
Hancock	352,231	24,845	
Ohio	513,495	24,143	
Total	1,133,163	67,426	

Region 2 – Central Region

County	Labor Force	Unemployed	UER
Barbour	159,644	9,291	
Braxton	143,039	8,107	
Calhoun	65,289	5,217	
Clay	85,314	6,165	
Doddridge	69,324	3,427	
Fayette	433,807	24,735	
Gilmer	73,886	3,258	
Grant	119,619	7,236	
Greenbrier	367,806	22,354	
Jackson	284,144	15,706	
Lewis	175,276	8,710	
Marshall	369,681	20,334	
Mason	246,249	18,256	
Mineral	327,303	16,049	
Monroe	141,157	7,364	
Nicholas	253,216	13,778	
Pleasants	77,870	4,476	
Pocahontas	91,557	5,976	
Ritchie	112,127	6,061	
Roane	132,319	9,125	
Summers	116,505	6,749	
Tucker	74,142	4,568	
Tyler	87,320	6,213	
Upshur	260,569	11,832	
Webster	81,371	4,641	
Wetzel	159,890	13,799	
Wirt	59,876	4,003	
Total	4,568,300	267,430	5.9

Region 3 – Southern Region

County	Labor Force	Unemployed	UER
Lincoln	192,927	11,973	
Mingo	156,600	13,434	
McDowell	201,011	11,933	
Wayne	434,253	22,469	
Wyoming	201,608	11,138	
Total	1,186,399	70,947	6.0

9. **Justification for request:** To ensure the equitable distribution of food stamp benefits in areas experiencing high unemployment.
10. **Action and reason for approval or denial:** We are approving the State agency's request in full. Able-bodied adults without dependents (ABAWDs) who reside in the aforementioned areas will be exempt from work requirements based on the areas having an unemployment rate at least 20 percent above the national average of 4.9, or 5.9 percent, for the 24-month period of November 2004 through October 2006.
11. **Regulatory or legislative basis for action:** The waiver is approved pursuant to 7 CFR 273.24(f), which allows the Secretary to waive the applicability of the work requirement provision for any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside has insufficient jobs.
12. **Conditions and reasons:** None.
13. **Information required for extension:** To receive an extension the State agency must provide data for the affected areas indicating that there continue to be insufficient jobs for individuals subject to 7 CFR 273.24.
14. **Expiration date:** As requested, this waiver is approved for one year, effective April 1, 2007 through March 31, 2008.
15. **Limitation on regional office approval of like requests:** Approval of this waiver is limited to the West Virginia State agency.
16. **Quality control procedures:** N/A
17. **Date of national office action:** March 1, 2007
18. **Date of State agency's request:** February 16, 2007
19. **Date of regional office transmittal of response to State agency:** February 20, 2007.
20. **Actual implementation date:**