

March 4, 2008

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 the West Virginia State agency's request for an extension and modification of its current waiver exempting 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 Larry Tropp at larry.tropp@fns.usda.gov or at (703) 305-2504.

/s/

Harriet Kornegay
Assistant Branch Chief
Certification Policy Branch

Attachment

cc: All Regions (except MARO)
Bob Dalrymple OANE
Mike DePiro OANE
John Knaus
Lorena Carrasco, Civil Rights

FNS:FSP:PDD:CPB:LTROPP: laj: 02/29/08
DIR:I:CPB:WAIVERS:FY2008:970037 WV ABAWD 2008 mod & ext

Symbol	Surname	Date	Symbol	Surname	Date

OFFICIAL OFFICE RECORD

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 State agency is requesting an exemption of the work requirements of 7 CFR 273.24 for residents of 40 counties residing in a single multi-county region.

9. **Justification for request:** The waiver is based on data obtained from the U.S. Department of Labor's Bureau of Labor Statistics (BLS) indicating on an aggregate average unemployment rate (UER) at least 20 percent above the national average for the 24-month period of September 2005 through August 2007. As indicated in the tables below, the national average for the period was 4.7 percent, resulting in an approval threshold of 5.6 percent (20 percent above the national average).

National Unemployment Rate (UER):

Labor Force	Unemployed	UER
3,640,220,000	169,376,000	4.7%

Area	Labor Force	Unemployed	UER
Barbour County	161995	9089	5.6
Boone County	227558	10440	4.6
Braxton County	142945	7851	5.5
Brooke County	264436	18375	6.9
Calhoun County	66149	4670	7.1
Clay County	84539	5828	6.9
Doddridge County	69619	3467	5
Fayette County	434074	23960	5.5
Gilmer County	75379	3258	4.3
Grant County	121400	7046	5.8
Greenbrier County	377964	23236	6.1
Hancock County	350528	25106	7.2
Jackson County	284660	14535	5.1
Lewis County	177090	8948	5.1
Lincoln County	190846	11233	5.9
Logan County	311828	15029	4.8
Marshall County	362204	19725	5.4
Mason County	253797	17658	7
McDowell County	166176	12810	7.7
Mercer County	575425	27670	4.8
Mineral County	322638	15939	4.9
Mingo County	206132	11452	5.6
Monroe County	142881	7429	5.2
Nicholas County	257313	13298	5.2
Ohio County	505036	23101	4.6
Pleasants County	77344	4297	5.6
Pocahontas County	91772	6791	7.4
Randolph County	315248	15755	5
Ritchie County	113683	5779	5.1
Roane County	132064	8327	6.3
Summers County	114443	7016	6.1
Taylor County	168401	8589	5.1
Tucker County	73110	4411	6
Tyler County	88079	5895	6.7
Upshur County	258571	11868	4.6
Wayne County	429739	21549	5
Webster County	82722	4636	5.6
Wetzel County	152721	11842	7.8
Wirt County	60393	3693	6.1
Wyoming County	200375	11344	5.7
Total for Region	8491277	472945	5.6

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 4.7, or 5.6 percent, for the 24-month period of September 2005 through August 2007.

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, 2008 through March 31, 2009.
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:**
18. **Date of State agency's request:** January 18, 2008
19. **Date of regional office transmittal of the State agency request to the national office:** February 4, 2008 (via email)
20. **Date of regional office transmittal of response to State agency:**
21. **Actual implementation date:**