

June 13, 2006

970264

SUBJECT: FSP - Wyoming - Request to Waive 7 CFR 273.24

TO: Jody Cornwell, Regional Director  
Food Stamp Program  
Mountain Plains Region

This is in response to your e-mail of March 7, 2006, forwarding the Wyoming State Agency's request an extension and modification of waiver 970264. The waiver requests an exemption from the work requirement for able-bodied adults without dependents for enrolled tribal members living in the Wind River Indian Reservation. More than 99 percent of the Reservation's population is located in Fremont County, with the remaining portion in Hot Springs County.

The Wind River Reservation's unemployment rate is 7.1 percent, which is 20 percent above the national average for calendar years 2003-2004. The waiver is approved and will expire on May 31, 2007.

Our response approving the waiver is attached. If you have any questions, please contact Jennie Nelson of my staff via e-mail or telephone at 703-305-2446.

/s/

Harriet Kornegay  
Assistant Branch Chief  
Certification Policy Branch  
Program Development Division

Attachment

cc: All Regions w/Attachment  
PAD/QC w/Attachment  
Bob Dalrymple, OANE w/Attachment  
John Knaus  
David Young w/Attachment

FINAL:FNS:FSP:PDD:CPB:JNELSON:3/15/06:REVISED:6/13/06:je  
DIR: I:CPB:Waivers: WY ABAWD FY06 (Extension & Modification)



## WAIVER RESPONSE

1. **Waiver serial number:** 970264
2. **Type of request:** Extension
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:**
5. **State:** Wyoming
6. **Region:** Mountain Plains
7. **Regulatory Requirements:** Under 7 CFR 273.24 no individual may 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 requirements of a program under Section 20 or a comparable program established by the State.

Under 7 CFR 273.24(f), at a State agency's request, the Food and Nutrition Service (FNS) may waive the time limits for any group of individuals in the State if the Secretary determines that the area in which the individuals reside has an unemployment rate of over 10 percent, or has insufficient jobs to provide employment for the individuals. As provided at 7 CFR 273.24(f)(3)(iii) an acceptable way to establish that an area has insufficient jobs to provide employment for individuals residing in an area is for the area to have an unemployment rate for a 24-month period that is 20 percent above the national average for the same 24-month period.

8. **Description of proposed alternative procedures:** The Wyoming State Agency request an extension and modification of waiver 970264 so that enrolled tribal members residing on the Wind River Indian Reservation are exempt from the work requirement provisions of 7 CFR 273.24. The State agency is requesting the waiver on the basis that the overwhelming majority of the Reservation's population resides in Fremont County. Wyoming obtained information from the Bureau of Labor Statistics (BLS) for Fremont County showing it had an unemployment rate of 7.1 percent for calendar years 2003-2004 which exceeds 20 percent of the national average.

9. **Action and reason for approval or denial:** We are approving Wyoming’s waiver as requested. The Wind River Indiana Reservation’s unemployment rates were calculated by applying the 2000 Census Share ratios to county-level BLS data for calendar years 2003 through 2004. The following table will summarize the calculations for Fremont and Hot Springs Counties:

<b>Wind River Reservation</b>	<b>County EMP</b>	<b>Census Share</b>	<b>County UEMP</b>	<b>Census Share</b>	<b>Reservation EMP</b> (Cnty EMP x Cen Shr)	<b>Reservation UNEMP</b> (Cnty Unemp x Cen Shr)	<b>Reservation LABOR FORCE</b> (Res EMP + Res UEMP)	<b>RES UEMP %</b> (Res UEMP/Res LF)
<b>Fremont</b>	412371	0.618739	23740	0.826504	255150	19621	274771	7.1
<b>Hot Springs</b>	55656	0.011536	2347	0	642	0	642	0
<b>Total UEMP</b>								7.1%

The unemployment rate for the Wind River Reservation for CY 2003-2004 is 7.1 percent, which is 20 percent above the national threshold for the same period. The Reservation is eligible for an ABAWD waiver.

10. **Regulatory or legislative basis for action:** This waiver is approved under 7 CFR 273.24(f). This regulation allows FNS to waive the applicability of the work requirement provision in 7 CFR 273.24 for any group of individuals in the State if the Secretary determines that the area has an unemployment rate of over 10 percent or does not have a sufficient number of jobs to provide employment for the people residing in the area. The State agency has submitted documentation that confirms the high unemployment rate in Fremont County.
11. **Conditions and reasons:** None
12. **Information required for extension:** Please submit supporting unemployment data that relies on standard BLS data and/or methods and data indicating a lack of sufficient jobs. The Wyoming State Agency must obtain labor force estimates based on census share data for Fremont and Hot Springs Counties, and apply the estimates to local area unemployment statistics for the counties to determine the unemployment rate on the Reservation.
13. **Expiration date:** This waiver will be effective June 1, 2006 and expires on May 31,

2007.

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14. **Limitation on regional office approval of like requests:** This waiver is limited to the Wyoming State Agency.
15. **Quality Control Procedures:** N/A
16. **Date of national office action:**
17. **Date of State agency's request:** February 23, 2006
18. **Date of regional office transmittal of request to national office:** March 7, 2006
19. **Date of regional office transmittal of response to State agency:**
20. **Actual implementation date:**