

May 11, 2007

970264

SUBJECT: Wyoming – Request to Waive 7 CFR 273.24

TO: Jody Cornwell
Regional Director
Mountain Plains Region

This is in response to your email of April 24, 2007 transmitting the Wyoming State Agency's request of February 23, 2007 to extend and modify their current waiver exempting residents of the Wind River Indian Reservation from the work requirement for Able-Bodied Adults without Dependents (ABAWD).

Attached is our response. Although the State agency originally requested a one-year waiver of work requirements based upon aggregate average unemployment rates of at least 20 percent above the national average from December 2004 to November 2006, we are approving a two-year waiver, as unemployment data from December 2003 to November 2006 qualifies the State agency for this extended timeline. If you have any questions, please contact Melissa Daigle Katz at 703-305-2501.

Pat Waldron
for

Harriet Kornegay
Assistant Branch Chief
Certification Policy Branch
Program Development Division

Attachment

WAIVER RESPONSE

1. **Waiver serial number:** 970264
2. **Type of request:** Modification and Extension
3. **Primary regulation citation, if any:** 7CFR 274.24
4. **Secondary regulation citation, if any:** None
5. **State:** Wyoming
6. **Region:** Mountain Plains
7. **Regulatory Requirement:** Under 7 CFR 273.24(b) individuals are not 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; participate in and comply with the requirements of a work program for 20 hours or more per week; or 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), upon the request of a State agency, the Food and Nutrition Service (FNS) may waive the applicability of the above provision for any group of individuals in the State if the FNS 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 procedures:** The State of Wyoming requests an extension and modification of its current waiver to exempt individuals residing on the Wind River Indian Reservation from work requirements based upon an average unemployment rate 20 percent above the national average from December 2004 through November 2006, when the national average unemployment rate plus 20 percent was 5.9 percent. The majority of the reservation is located in Fremont County, with a modest portion located in Hot Springs County. However, FNS found that this area is eligible for a two-year waiver, based upon our calculations, presented below.

	Dec 2003 - NOV 2006	DEC 2003 - NOV 2006	DEC 2003 - NOV 2006	DEC 2003 - NOV 2006
	Total, unemployed	Total, labor force	Total, employed	
Fremont County	31185	654795	623610	
Hot Springs County	3333	85912	82579	
RESERVATION UNEMPLOYMENT CALCULATIONS				
		Reservation		
	Employed	Unemployed	Labor force	Unemployment
Wind River Reservation, Fremont County part	385,852	25,775	411,626	6.3
Wind River Reservation, Hot Springs County part	953	0	953	0.0
NATIONAL THRESHOLD\3				
	DEC 2003 - NOV 2006	DEC 2003 - NOV 2006	DEC 2003 - NOV 2006	DEC 2003 - NOV 2006
	Total, unemployed	Total, labor force	Average unemployment rate	
National total	274,339,000	5,371,719,000	0.0510	
20% Threshold			6.1	

9. **Action and reason for approval or denial:** The request is approved based upon insufficient jobs, as demonstrated by the labor force and unemployment data compiled by the Bureau of Labor Statistics and the Labor Surplus Areas designated by the Employment and Training Administration and census share information collected from the Census Bureau. The Wind River Indian Reservation does qualify for a one-year waiver based on their aggregate average unemployment rate of 6.0 percent, which was at least 20 percent above the national average unemployment rate of 4.9 percent during December 2004 through November 2006. However, FNS has elected to approve the waiver for a two-year period, as the unemployment rate has remained 20 percent above the national average for a 36-month period, December 2003 to November 2006. The unemployment rate from December 2003 to November 2006 was 6.3 percent, which was at least 20 percent above the national average of 5.1 percent for the same period.

10. **Regulatory or legislative basis for action:** This waiver is approved under 7 CFR273.24 (f), which allows FNS to waive the applicability of the work requirement provision for any groups of individuals in the State if FNS determines that the area in which the individual resides does not have sufficient number of jobs to provide employment for the affected areas, or the areas exceeded the national unemployment average by 20 percent for 24 consecutive months.

11. **Conditions and reasons:** None

12. **Information required for extension:** Provide unemployment rate data for the affected areas, which is compiled by the Bureau of labor statistics, or its cooperating agency, which indicates an unemployment rate of 10 percent or a lack of sufficient jobs.
13. **Expiration date:** This waiver is effective June 1, 2007 through May 31, 2009.
14. **Limitation , if any, on regional office approval of like requests:** The waiver is limited to the Wyoming State Agency
15. **Quality Control procedures:** None
16. **Date of national office action:**
17. **Date of state agency's request:** February 23, 2007
18. **Date of regional office's transmittal of request to national office:** April 24, 2007
19. **Date of regional office's transmittal or response to state agency:**
20. **Actual implementation date:**