

USDA

**United States
Department of
Agriculture**

Food and Consumer
Service

Mid-Atlantic Region

Mercer Corporate Park
300 Corporate Boulevard
Robbinsville, N.J. 08691-1598



Date:

NOV 8 1999

Reply to Attention of:

Subject:

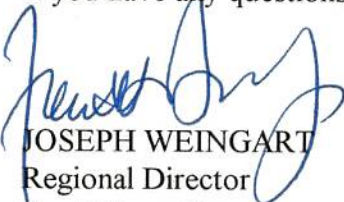
West Virginia - Request to waive Section 6(o) of the Food
Stamp Act as amended by Section 824 of PRWORA

To:

Arthur Foley
Director
Program Development Division

Attached for your review is a request from West Virginia to extend waivers 970036 and 970037 concerning ABAWD exempt areas. The number of waived areas would be the same as the current waiver, but the reason for exempting some counties has changed. Although West Virginia's letter requests exemptions for 38 counties, their documentation indicates there are 40 possible exempted counties. After discussion with the state agency, they would like us to consider exemptions for 40 areas.

If you have any questions, please contact this office.


JOSEPH WEINGART
Regional Director
Food Stamp Program

Attachment





STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Cecil H. Underwood
Governor

Office of the Secretary
State Capitol Complex, Building 3, Room 206
Charleston, West Virginia 25305
Telephone: (304) 558-0684 Fax: (304) 558-1130

Joan E. Ohl
Secretary

October 25, 1999

Mr. Christopher J. Martin
Administrator, Food and Nutrition Service
Mid-Atlantic Region
United States Department of Agriculture
Mercer Corporate Park
300 Corporate Boulevard
Robbinsville, New Jersey 08691-1598

Dear Mr. Martin: *Chris,*

Enclosed are West Virginia's waiver extension requests for exclusion from implementation of Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) for 2000.

Statistics provided by the West Virginia Bureau of Employment Programs, Division of Labor and Economic Research, verify that 16 counties qualify for exclusion as having unemployment rates of 10% or higher. Statistics provided by the United States Department of Labor verify that 20 additional counties qualify for waiver as designated Labor Surplus Areas. In addition, we are requesting exclusion of two additional counties because significant portions are Labor Surplus Areas.

Due to the court-ordered time constraints on the issuance of policy, it is extremely important that we receive your notice of decision as soon as possible.

If you have questions or concerns about any of the information provided, please contact Thomas Ingles in the Office of Family Support at (304) 558-8290.

Sincerely,

Joan
Joan E. Ohl
Secretary

JEO:jb

Enclosures

WAIVER REQUEST -- WEST VIRGINIA

1. **Waiver serial number:** 970036
2. **Type of request:** Extension
3. **Primary regulation citation:** Section 6(o) of the Food Stamp Act, as amended by Section 824 or the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, P.L. 104-193.
4. **Secondary regulation citation:**
5. **State:** West Virginia
6. **Region:** MARO
7. **Regulatory requirements:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), P.L. 104-193, 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 received benefits because they were exempt from these requirements.

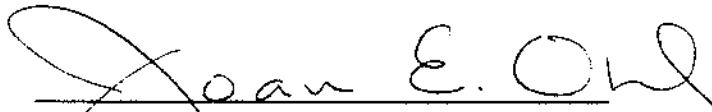
Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, also provides that, upon the request of a state agency, the Secretary may waive the applicability of the above provision for any group of individuals in the state if the Secretary makes a determination that the area in which 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. **Summary of waiver extension request:** The State is requesting to exempt individuals from 16 counties which have unemployment rates over 10 percent.
9. **Counties qualifying for exemption due to unemployment of 10 percent:**

Below is a chart listing the counties with unemployment rates of 10 percent or more, averaged over the first eight months of 1999. This information is compiled by the West Virginia Bureau of Employment Programs, Division of Labor and Economic Research. Calendar Year 1999 information is available by county on the Bureau's web site at: www.state.us/bep.

10. **Duration of waiver:** This waiver extension should be approved for a period of not less than one year.

11. **Signature and Title of Requesting Official:**

A handwritten signature in cursive script, reading "Joan E. Ohl", written over a horizontal line.

Joan E. Ohl, Secretary
West Virginia Department of Health and Human Resources

12. **Date of request:**

10/25/99

13. **Regional Recommendation:**

14. **Date of Submission by MARO:**

9. Counties qualifying for exemption due to unemployment of 10 percent:

Below is a chart listing the counties with unemployment rates of 10 percent or more, averaged over the first eight months of 1999. This information is compiled by the West Virginia Bureau of Employment Programs, Division of Labor and Economic Research.. This is the Calendar Year 1999 information available by county on the Bureau's web site at: www.state.us/bep.

COUNTY	January	February	March	April	May	June	July	August	YR AVG
Barbour	14.2	12.3	14	10.6	9.7	9.6	9	10.1	11.2
Boone	9.3	9.2	9.9	10.7	11.3	11.5	11.1	13.5	10.8
Braxton	14.2	12.6	14.3	11	9.4	8.7	8.6	8.5	10.9
Calhoun	23.7	20.3	23.4	20	16.7	14.5	13.4	12.8	18.1
Clay	13.3	12.4	13.5	12.3	11.3	10.4	9.6	9.8	11.6
Fayette	11.6	10.7	11.2	11	9.9	8.9	8.9	8.8	10.1
Lincoln	13.2	11.6	13	11.9	11.3	11.6	11.3	13.8	12.2
Logan	10.6	10	10.7	12.3	12.2	11.7	11.1	12.9	11.4
McDowell	12.6	11	13	15.5	14.9	15.2	14.5	15.4	14.0
Mason	16.6	13.6	14.1	13.9	12.3	14.1	12.5	11.9	13.6
Mingo	11.8	12.5	13.3	17.3	16.3	16.2	15.3	15.5	14.8
Ritchie	13.5	11.7	10.8	8.5	7.5	9.4	9.4	9.8	10.1
Roane	16.9	15.5	15.7	14.7	11.7	9.1	8.9	8.4	12.6
Wetzel	12.8	11.7	12.5	11.6	10.6	11.7	10.2	9.9	11.4
Wirt	19	17.4	18.6	15	12.6	14.6	15.1	15.1	15.9
Wyoming	8.9	9.6	10.1	10.7	10.7	10.3	10.4	11	10.2

10. **Duration of waiver:** This waiver extension should be approved for a period of not less than one year.

11. **Signature and Title of Requesting Official:**

*Advance
Copy*

Joan E. Ohl, Secretary

West Virginia Department of Health and Human Resources

WAIVER REQUEST -- WEST VIRGINIA

1. **Waiver serial number:** 970037
2. **Type of request:** Extension
3. **Primary regulation citation:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), P.L. 104-193.
4. **Secondary regulation citation:** None
5. **State:** West Virginia
6. **Region:** MARO
7. **Regulatory Requirements:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), P.L. 104-193, 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 received benefits because they were exempt from these requirements.

Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, also provides that, upon 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. **Summary of waiver extension request:** The State is requesting to exempt individuals who live in 22 counties due to their designation by the U.S. Department of Labor as Labor Surplus Areas (LSA). In the September 1999 publication, "Area Trends in Employment and Unemployment", published by the U.S. Department of Labor, the following counties in West Virginia are designated as Labor Surplus Areas:

Brooke	Doddridge	Gilmer
Grant	Greenbrier	Hancock
Harrison	Jackson	Lewis
Marion	Nicholas	Pleasants
Pocahontas	Preston	Raleigh
Randolph	Summers	Taylor
Tucker	Tyler	Upshur
Webster		

A copy of this publication is attached as Attachment #1.

9. **Partial county LSA's:** The following counties have a significant portion of their populations residing in designated LSA areas.

Marshall County -- All of Marshall County, with the exception of the Wheeling City portion, is designated as an LSA. The population of Marshall County is 35,441 and the population of the Wheeling City portion is 167, or less than .005% of the total county population. We are requesting that all of Marshall County be approved for waiver.

Wayne County -- All of Wayne County, with the exception of the Huntington City portion, is designated as an LSA. In the previous 24 months, Wayne County's unemployment rate average was 6.5%. In the same previous 24 months, August 1999 through September 1997, the average of 120% of the U.S. unemployment rate was 5.36%. Wayne County's unemployment rate over the 24 month period exceeds the national 120% rate by a full percentage point. Therefore, Wayne County should qualify for the waiver as an LSA.

Administration of food stamp caseloads is done at the county level. It is extremely difficult to administer waivers in partial county areas. There is no way to clearly define boundaries, as a geographic area may not be reflected by the mailing address. Therefore, if an entire county cannot be waived, we are requesting that partial county waivers not be approved.

The following counties do not meet the ABAWD waiver criteria under PRWORA and will have the 3-month eligibility limitation in effect for 2000:

Berkeley	Kanawha	Monroe
Cabell	Mercer	Ohio
Hampshire	Mineral	Pendleton
Hardy	Monongalia	Putnam
Jefferson	Morgan	Wood

10. **Signature and Title of Requesting Official:**



Joan E. Ohl, Secretary
West Virginia Department of Health and Human Resources

11. **Date of Request:**

10/25/99

12. **Regional recommendation:**

13. **Date of Submission by MARO:**

ELIGIBLE LABOR SURPLUS AREAS

CIVIL JURISDICTIONS INCLUDED

WASHINGTON (CONT'D)

BALANCE OF YAKIMA COUNTY

YAKIMA COUNTY LESS
YAKIMA CITY

WEST VIRGINIA

BARBOUR COUNTY
BOONE COUNTY
BRAXTON COUNTY
BROOKE COUNTY
CALHOUN COUNTY
CLAY COUNTY
DODDRIDGE COUNTY
FAYETTE COUNTY
GILMER COUNTY
GRANT COUNTY
GREENBRIER COUNTY
HANCOCK COUNTY
HARRISON COUNTY
HUNTINGTON CITYJACKSON COUNTY
LEWIS COUNTY
LINCOLN COUNTY
LOGAN COUNTY
MARION COUNTY
BALANCE OF MARSHALL COUNTYMASON COUNTY
MC DOWELL COUNTY
MINGO COUNTY
NICHOLAS COUNTY
PARKERSBURG CITYPLEASANTS COUNTY
POCAHONTAS COUNTY
PRESTON COUNTY
RALEIGH COUNTY
RANDOLPH COUNTY
RITCHIE COUNTY
ROANE COUNTYBARBOUR COUNTY
BOONE COUNTY
BRAXTON COUNTY
BROOKE COUNTY
CALHOUN COUNTY
CLAY COUNTY
DODDRIDGE COUNTY
FAYETTE COUNTY
GILMER COUNTY
GRANT COUNTY
GREENBRIER COUNTY
HANCOCK COUNTY
HARRISON COUNTY
HUNTINGTON CITY IN
CABELL COUNTY
WAYNE COUNTY
JACKSON COUNTY
LEWIS COUNTY
LINCOLN COUNTY
LOGAN COUNTY
MARION COUNTY
MARSHALL COUNTY LESS
WHEELING CITY
MASON COUNTY
MC DOWELL COUNTY
MINGO COUNTY
NICHOLAS COUNTY
PARKERSBURG CITY IN
WOOD COUNTY
PLEASANTS COUNTY
POCAHONTAS COUNTY
PRESTON COUNTY
RALEIGH COUNTY
RANDOLPH COUNTY
RITCHIE COUNTY
ROANE COUNTY

(CONTINUED)

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Area Trends in Employment and Unemployment**Listing of Labor Surplus Areas—(Continued)**ELIGIBLE LABOR SURPLUS AREAS
-----WEST VIRGINIA (CONT'D)

SUMMERS COUNTY
TAYLOR COUNTY
TUCKER COUNTY
TYLER COUNTY
UPSHUR COUNTY
BALANCE OF WAYNE COUNTY

WEBSTER COUNTY
WETZEL COUNTY
WIRT COUNTY
WYOMING COUNTY

WISCONSIN

ASHLAND COUNTY
FLORENCE COUNTY
IRON COUNTY
JUNEAU COUNTY
MENOMINEE COUNTY
RACINE CITY

RUSK COUNTY
SAWYER COUNTY

WYOMING

FREMONT COUNTY
LINCOLN COUNTY
BALANCE OF NATRONA COUNTY

UINTA COUNTY

CIVIL JURISDICTIONS INCLUDED

SUMMERS COUNTY
TAYLOR COUNTY
TUCKER COUNTY
TYLER COUNTY
UPSHUR COUNTY
WAYNE COUNTY LESS
HUNTINGTON CITY
WEBSTER COUNTY
WETZEL COUNTY
WIRT COUNTY
WYOMING COUNTY

ASHLAND COUNTY
FLORENCE COUNTY
IRON COUNTY
JUNEAU COUNTY
MENOMINEE COUNTY
RACINE CITY IN
RACINE COUNTY
RUSK COUNTY
SAWYER COUNTY

FREMONT COUNTY
LINCOLN COUNTY
NATRONA COUNTY LESS
CASPER CITY
UINTA COUNTY