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STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of the Secretary

Bob Wise
Governor

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

Paul L. Nusbaum
Secretary

January 15, 2002

Mr. Joseph Weingart, Regional Director
Food Stamp Program
Mid-Atlantic Region
United States Department of Agriculture
Mercer Corporate Park
300 Corporate Boulevard
Robbinsville, New Jersey 08691-1598

RECEIVED

JAN 22 2002

USDA FNS
ROBINSONVILLE, N.J.

Dear Mr. Weingart:

Enclosed is West Virginia's waiver extension request for exclusion from implementation of Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (P.L. 104-193) for ABAWDs residing in counties designated by the Bureau of Labor as Labor Surplus Areas (LSA's) as published in the Federal Register, Volume 66, Number 250, dated December 31, 2001.

According to this list, West Virginia has 33 entire counties that are designated as Labor Surplus Areas (LSA's). In addition, we are requesting that the entirety of Marshall County also be granted waiver status.

I want to thank you for the 90-day extension of the 2001 LSA waiver. 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 call Thomas Ingles in our Office of Family Support at (304) 558-8290.

Sincerely,


Paul Nusbaum
Secretary

PN:jb

Enclosure

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 33 counties due to their designation by the United States Department of Labor as Labor Surplus Areas (LSA). In the Federal Register, published December 31, 2001, the following counties in West Virginia are designated as Labor Surplus Areas:

Barbour	Boone	Braxton	Clay
Fayette	Gilmer	Grant	Greenbrier
Harrison	Jackson	Lewis	Lincoln
Logan	McDowell	Marion	Mason
Mineral	Mingo	Nicholas	Pendleton
Pleasants	Pocahontas	Raleigh	Randolph
Ritchie	Summers	Taylor	Tucker
Tyler	Upshur	Webster	Wetzel
Wyoming			

9. **Partial county LSA's:** The following county has a significant portion of the population residing in a designated LSA area.

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.

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.

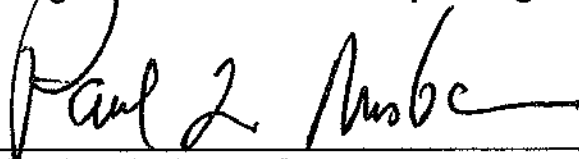
10. **Duration of Waiver:**

Because the 2001 Waiver based on LSA was extended by 90 days, we are requesting this waiver for 12 months, from April 2002 through March 31, 2003.

The following counties do not meet any ABAWD waiver criteria under PRWORA for 2002:

Berkeley	Hardy	Morgan
Brooke	Jefferson	Ohio
Cabell	Kanawha	Preston
Doddridge	Mercer	Putnam
Hampshire	Monongalia	Wayne
Hancock	Monroe	Wood

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



Paul L. Nusbaum, Secretary
West Virginia Department of Health and Human Resources

11. **Date of Request:** _____

12. **Regional recommendation:** _____

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