

FAX TRANSMITTAL

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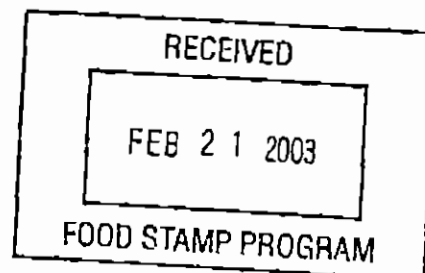
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FRANKFDEPARTMENT FOR COMMUNITY BASED SERVICES
AN EQUAL OPPORTUNITY EMPLOYER M/F/D

To	Pat Waldron	From	Nora McMillan
Dept./Agency		Phone #	404-562-7054
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NSN 7540-01-317-7368		5098-101 GENERAL SERVICES ADMINISTRATION	

EDUCATION
PAYS

February 17, 2003

Gilbert Camacho
Regional Director
USDA, Food and Nutrition Service
Southeast Regional Office
61 Forsyth Street, S.W. Room 8T36
Atlanta, Georgia 30303



Dear Mr. Camacho:

Enclosed please find our request to modify and extend our current waiver of the reporting requirements of Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Act (PRWORA) of 1996. The U.S. Department of Labor has designated 53 Kentucky counties as Labor Surplus Areas for FY 2003. Approval of this waiver will revise the counties that are currently exempt from ABAWD participation requirements to match these 53 counties.

Thank you for your cooperation in this matter. If you have any questions, please contact Lane Kemp, Division of Policy Development, at (502) 564-7536.

Sincerely,

Dietra Paris
Commissioner

DP:DPD:WC

Enclosure

WAIVER REQUEST

1. **Waiver serial number:** 970046
2. **Type of request:** Modification/Extension
3. **Primary regulation citation:** Section 6(o) of the Food Stamp Act, as amended
4. **Secondary regulation citation, if any:** none
5. **State:** Kentucky
6. **Region:** SERO
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) of 1996, provides that no individual, who is not otherwise exempt, 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) and was not working 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. **Proposed alternative procedures:** Kentucky's current waiver exempts individuals residing in 40 counties from the work requirement provisions of Section 6(o) of the Food Stamp Act. Kentucky is now requesting to continue and extend our waiver for 37 of these counties, and to modify our waiver by adding 16 new counties, excluding 2 cities within those counties, to our request. We are not requesting an extension for Adair, Boyd, and Pike counties. These revisions are based on these 53 counties being designated as Labor Surplus Areas for FY 2003 by the U.S. Department of Labor, as these areas have insufficient jobs to provide the resident population with employment. Table 1 lists all of these areas.

Table 1

Allen	Cumberland	Knott	Martin	Russell
Ballard	Elliott	Lawrence	Meniffee	Taylor
Bath	Floyd	Lee	Monroe	Todd
Bell	Fulton	Letcher	Morgan	Trimble
Breathitt	Graves	Lewis	Muhlenberg	Union
Breckinridge	Grayson	Livingston	Nelson	Warren (less Bowling Green city)
Carter	Green	Logan	Nicholas	Wayne
Casey	Hancock	McCreary	Ohio	Webster
Christian (less Hopkinsville city)	Harlan	McLean	Perry	Wolfe
Clay	Hopkins	Magoffin	Powell	
Crittenden	Johnson	Marshall	Rockcastle	

9. **Justification for request:** Section 6(o) of the Food Stamp Act, as amended by PRWORA, provides that upon the request of a State agency, the Secretary may waive the applicability of paragraph (2) to any group of individuals residing in areas determined by the Secretary to have insufficient jobs. Approval of this waiver would exempt individuals from meeting unrealistic work requirements in order to participate in the Food Stamp Program. It would also allow the State agency to focus its efforts on households living in areas most likely to benefit from the Food Stamp Employment and Training Program.
10. **Anticipated impact on households and State agency operations:** The waiver will prevent individuals living in economically depressed areas of the State from being denied access to a nutritious diet because they are unable to comply with the work requirement of Section 6(o) of the Food Stamp Act. Approval of this waiver should result in a more efficient and effective operation of the Food Stamp Program by removing the burden from local offices to find placements for Employment and Training Program participants in areas with high unemployment where job opportunities are not available.
11. **Caseload information, including percent, characteristics, and quality control error rate for affected portion:** As of January 1, 2003, 204,262 households, or 492,231 individuals, received food stamp benefits. The Kentucky State agency has determined that this waiver would potentially exempt approximately 8,353 individuals which represents about 1.7 percent of the caseload, who are potentially subject to the above referenced provisions of the Act. This waiver extends the exemption for 37 counties that were waived during 2002 and would implement the waiver for 16 counties that were not waived during 2002. The individuals affected by this waiver are work-registered men and women, ages 18

through 49, who have no dependent children and work less than 20 hours per week.

Out of 1,243 quality control cases reviewed for the period of October 2001 through September 2002, no primary errors were coded to ABAWD criteria.

12. **Anticipated implementation date and time period for which waiver is needed:** The State agency requests that the waiver be implemented effective April 1, 2003. The period of time for which the waiver is needed is April 1, 2003 through December 31, 2003.
13. **Proposed quality control review procedures:** The State agency is also requesting a waiver to allow for deviations from the FCS Handbook in order for the quality control reviews to conform to the provisions of this waiver. Individuals residing in areas of the State that are included in this waiver would be eligible to participate in the Food Stamp Program, provided that these individuals meet all other eligibility requirements.
14. **Signature and title of requesting official:**
15. **Date of request:**