



United States Department of Agriculture
Food and Nutrition Service
Southwest Region

~~EPB~~
Valerie
pm 4/24/03

APR 24 2003

Reply to
Attn of: SWFS-203

Subject: FSP - New Mexico ABAWD Waivers (2020123)

To: Arthur T. Foley, Director
Program Development Division

We are forwarding a request from the New Mexico Human Services Department to replace their existing statewide ABAWD waiver (2020123) with a waiver that excludes Bernalillo County.

We have reviewed the State's unemployment statistics and it appears the State unemployment rate for the remaining counties is 20 percent above the national average for the last 24-months. Therefore, we recommend approval of the waiver through April 30, 2004.

A copy of the Waiver Request Outline is attached. If you need additional information, please call Ron Gwinn or David Short at (214) 290-9806.

JUDY K. BARRON
Regional Director
Food Stamp Program

Attachment



NEW MEXICO HUMAN SERVICES DEPARTMENT

P.O. Box 2348
Santa Fe, New Mexico 87504-2348
INCOME SUPPORT DIVISION
Phone 505: 827-7250



Bill Richardson
Governor

Pamela S. Hyde, J.D
Secretary

Judy Barron
Regional Director
Southwest Region USDA/FNS
1100 Commerce Street, Room 522
Dallas, TX 75242

Subject: Request of Consideration of Waiver Modification

Dear Ms. Barron:

The New Mexico Human Services Department, Income Support Division respectfully requests consideration for the modification of the existing waiver of Food Stamp ABAWD work requirement regulations contained in Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Section 824. Section 6(o) of the Food Stamp Program as amended by Section 824 of the PRWORA, 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; or 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 the requirements of a program under Section 20 or a comparable program established by the State.

New Mexico is currently operating under waiver number 2010123. This modification would change the current ABAWD waiver from statewide to all counties in the state with the exception of Bernalillo County. The Food Stamp Act of 1977, Section 6(o)(4) allows the State the opportunity to request a waiver when it is determined that the area in which the individual resides has an unemployment rate of over 10 percent; or there are not sufficient jobs to provide employment for the individuals.

The New Mexico Human Services Department is requesting approval based on calendar year 2000 and 2001 data. The Department requests that this waiver be granted to cover the twelve months from May 1, 2003 through April 30, 2004.

Thank you for your consideration of this waiver requests.

If you or your staff has any questions, please do not hesitate to call me at (505) 827-7245 or Michael Rogers at (505) 827-7265.

Sincerely,

for Marie Madden
Kathryn Falls, Director
Income Support Division



WAIVER MODIFICATION REQUEST

1. **WAIVER SERIAL NUMBER:** 2020123 - - -
2. **TYPE OF REQUEST:** Modification of existing waiver.
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) of 1996 (PL 104-193).
4. **SECONDARY REGULATION CITATION:** 7 CFR 273.24
5. **STATE:** New Mexico
6. **REGION:** Southwest
7. **REGULATORY REQUIREMENTS:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, 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; or did not participate in and comply with requirements of a program under Section 20 or a comparable program established by the State.

The Food Stamp Act of 1977, Section 6(o)(4) allows the States the opportunity to request a waiver when it is determined that the area in which the individual resides has an unemployment rate over 10 percent; or there are not sufficient jobs to provide employment for the individuals.

7 CFR 273.24 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 three 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.

7 CFR 273.24(f) (6) allows states to define areas to be covered by waivers.

7 CFR 273.24(f)(2)(ii) provides that states may submit evidence that an area has a 24-month average unemployment rate 20 percent above the national average for the same 24-month period.

7 CFR 273.24(f)(3)(ii) provides that FNS will approve State agency waivers where FNS confirms: Data from the BLS or BLS cooperating agency that an area has a 24-month average unemployment that exceeds the national average by 20 percent for a 24-month period no earlier than the same period uses to designate LSAs for the current fiscal year.

8. **PROPOSED ALTERNATIVE PROCEDURES:** The State of New Mexico is requesting a modification of waiver 2020123: - Waiver 2020123 currently provides for a statewide waiver from work requirements and three-month time limit. The modification requested herein would exclude Bernalillo County from the waiver and continue to waive ABAWD requirements for the balance of counties within the State.

The current waiver expires April 30, 2003, and affects residents in all 33 counties. The individuals residing in these counties are subject to Employment and Training requirements. However, they are not required to work 20 hours a week to remain eligible for food stamp benefits beyond three months.

Modifications to the existing waiver:

Unemployment rates (UER) at least 20 percent above national levels: The State of New Mexico is respectfully requesting consideration of the entire state minus Bernalillo County as one area, and is requesting that all counties in the area described be waived. The combined UER of the all counties in the state except for Bernalillo County is at least 20% above the national average for the period covering January 2000 through December 2001.

Background:

Currently 31% of New Mexico's population resides in Bernalillo County and 25% of all food stamp recipients reside in Bernalillo County, where the food stamp participation ratio to population is 85 participants per 1000 individuals with the rest of the state participating at a rate of 114 per 1000 individuals.

Over the 24-month period covering January 2000 through December 2001, Bernalillo County has enjoyed 35% of the State's civilian labor force and 36% of the State's employment. Bernalillo County is New Mexico's second smallest county encompassing 1,168 square miles, a little less than 1% of New Mexico's total area of 121,589 square miles. Bernalillo County has 477 people per square mile compared with the rest of the state at just over 10 people per square mile.

9. **JUSTIFICATION FOR REQUEST:** The Human Services Department through the DOL-BLS has identified that the combined UER for all counties in the State of New Mexico, except for Bernalillo County, is over 120% of the National Average based on the 24-month period covering January 2000 through December 2001. The National Average UER for January 2000 through December 2001 is 4.4%. One hundred twenty percent of the national average is 5.28%. The combined average unemployment rate for this same 24-month period for all the counties in New Mexico excluding Bernalillo County is 5.7%. New Mexico excluding Bernalillo County has an unemployment rate at 130% of the national average for the 24-month period covering January 2000 through December 2001. With these statistics, the balance of the counties in the State of New Mexico, which excludes Bernalillo County, qualify for a waiver.

Participating individuals in all counties will be subject to Employment and Training requirements. However, all individuals not residing in Bernalillo County will no longer be required to work 20 hours a week to remain eligible for food stamp benefits beyond three months. Participating individuals residing in Bernalillo County will be subject to the 20 hour per week work requirement beginning in July 2003, and must continue to work 20 hours per week to remain eligible for food stamps beyond three months.

The following tables show how New Mexico arrived at these statistics. The first table shows statewide figures, the second shows figures for Bernalillo County only and the third table shows figures for the entire State with the figures from Bernalillo County subtracted.

New Mexico Unemployment Data from January 2000 through December 2001

Year	Period	Civilian Labor force State	Employment State	Unemployment State	Unemployment Rate State
2000	Jan	824002	799112	44890	5.4
2000	Feb	831499	790041	41458	5.0
2000	Mar	843856	802838	41018	4.9
2000	Apr	847501	807724	39777	4.7
2000	May	850168	808292	41876	4.9
2000	Jun	867391	815044	52347	6.0
2000	Jul	868058	822379	45679	5.3
2000	Aug	862604	819656	42948	5.0
2000	Sep	862035	820730	41305	4.8
2000	Oct	867645	827302	40343	4.6
2000	Nov	868909	829342	39567	4.6
2000	Dec	862469	825705	36764	4.3
2001	Jan	853896	811831	42065	4.9
2001	Feb	855441	816355	39086	4.6
2001	Mar	862210	823157	39053	4.5
2001	Apr	859974	821884	38090	4.4
2001	May	857013	817304	39709	4.6
2001	Jun	871155	821100	50055	5.7
2001	Jul	867498	822783	44715	5.2
2001	Aug	858479	818130	40349	4.7
2001	Sep	858041	816904	41137	4.8
2001	Oct	863885	822536	41349	4.8
2001	Nov	866453	823979	42474	4.9
2001	Dec	832838	821096	41742	4.8
New Mexico	Total	20563020	19605224	1007796	117.4
New Mexico	Average	856793	816884	41992	4.9%

Bernalillo County Unemployment Data
from
January 2000 through December 2001

Year	Period	Civilian Labor force Bernalillo County	Employment Bernalillo County	Unemployment Bernalillo County	Unemployment Bernalillo County
2000	Jan	291269	281652	9617	3.3
2000	Feb	294565	285577	8988	3.1
2000	Mar	299389	290309	9080	3.0
2000	Apr	301210	292363	8847	2.9
2000	May	300909	291535	9374	3.1
2000	Jun	306770	294053	12717	4.1
2000	Jul	306845	295615	11230	3.7
2000	Aug	304388	293679	10709	3.5
2000	Sep	307265	296815	10450	3.4
2000	Oct	308801	299133	9668	3.1
2000	Nov	308698	299705	8993	2.9
2000	Dec	307787	299628	8159	2.7
2001	Jan	303965	295183	8782	2.9
2001	Feb	305237	296967	8270	2.7
2001	Mar	307345	298730	8615	2.8
2001	Apr	306558	297418	9140	3.0
2001	May	303411	293603	9808	3.2
2001	Jun	307481	294066	13415	4.4
2001	Jul	305406	293026	12380	4.1
2001	Aug	301397	289804	11593	3.8
2001	Sep	302073	289811	12262	4.1
2001	Oct	304963	292501	12462	4.1
2001	Nov	307110	294511	12599	4.1
2001	Dec	307076	295039	12037	3.9
Bernalillo Co.	Total	7299918	7050723	249195	81.9
Bernalillo Co.	Average	304163	293780	10383	3.4%

**State of New Mexico minus Bernalillo County
Unemployment Data &
U.S Unemployment Data
from
January 2000 through December 2001**

Year	Period	Civilian Labor force State w/out Bernalillo Co.	Employment State w/out Bernalillo Co.	Unemployment State w/out Bernalillo Co.	Unemployment Rate State w/out Bernalillo Co.
2000	Jan	532733	497460	35273	6.6
2000	Feb	536934	504464	32470	6.0
2000	Mar	544467	512529	31938	5.9
2000	Apr	546291	515361	30930	5.7
2000	May	549259	516757	32502	5.9
2000	Jun	560621	520991	39630	7.1
2000	Jul	561213	526764	34449	6.1
2000	Aug	558216	525977	32239	5.8
2000	Sep	554770	523915	30855	5.6
2000	Oct	558844	528169	30675	5.5
2000	Nov	560211	529637	30574	5.5
2000	Dec	554682	526077	28605	5.2
2001	Jan	549931	516648	33283	6.1
2001	Feb	550204	519388	30816	5.6
2001	Mar	554865	524427	30438	5.5
2001	Apr	553416	524466	28950	5.2
2001	May	553602	523701	29901	5.4
2001	Jun	563674	527034	36640	6.5
2001	Jul	562092	529757	32335	5.8
2001	Aug	557082	528326	28756	5.2
2001	Sep	555968	527093	28875	5.2
2001	Oct	558922	530035	28887	5.2
2001	Nov	559343	529468	29875	5.3
2001	Dec	555762	526057	29705	5.3
NM - Bern. Co.	Total	13293102	12534501	758601	137.2
NM - Bern. Co.	Average	553879	522271	31608	5.7%
US	2000	142583	136891	5692	4.0%
US	2001	143734	136933	6801	4.7%
US	Combined	286317	273824	12493	8.7%
US	Average	143159	136912	6247	4.4%

10. **ANTICIPATED IMPACT ON HOUSEHOLDS AND STATE AGENCY OPERATIONS:** Individuals residing in the state, who do not reside in Bernalillo

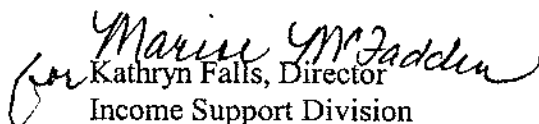
County would not be required to comply with the 20 hour per week work requirements or be limited to the three month participation time limit.

11. **CASELOAD INFORMATION AND QUALITY CONTROL ERROR RATE FOR AFFECTED PORTION:** The current Food Stamp caseload is 73,959 serving 191,804 participants. Within this caseload, the Human Services Department (HSD) has identified 14,900 individuals statewide between the ages of 18 and 59 who are presently registered under E & T requirements. In Bernalillo County HSD has identified 4083 individuals between the ages of 18 and 59 who are presently registered under E & T requirements, representing 27% of the state's total mandatory individuals.

Statewide there are 5,369 individuals identified as Able Bodied Adults Without Dependents (ABAWDs). This represents approximately 36.0% of individuals mandatory for E & T requirements. 1,129 of the ABAWDs live in Bernalillo County. Statewide 4,240 individuals would be exempt from the 20 hour a week work requirement and the three-month participation time limit.

The average food stamp payment error rate based on data from October 2001 through September 2002, for the State is 6.60%, before federal regression is applied. This includes errors for all elements, not only work requirement errors.

12. **APPLICATION OF EXEMPTION OPTIONS:** From the FNS web site data, as of April 1, 2003, New Mexico has 199 allowable Case-Month exemptions for ABAWDS with no time limit. Translated for the 12-month period of the waiver this would be 199X12 or 2,388 individual month slots exemptions. New Mexico elects to have these exemptions applied to Bernalillo County for the first 2 months of the waiver period (May 1, 2003 through June 30, 2003). This will use up approximately 2,258 of the available exemptions.
13. **ANTICIPATED IMPLEMENTATION DATE:** The anticipated implementation date for this waiver is May 1, 2003.
14. **PROPOSED QUALITY CONTROL (QC) REVIEW PROCEDURES:** Quality Control will not apply the work requirement policy to individuals who are recognized as ABAWDS who reside within the State but outside of Bernalillo County. Quality Control will apply E & T work registration requirement statewide.
15. **SIGNATURE AND TITLE OF REQUESTING OFFICIAL:**


Kathryn Falls, Director
Income Support Division

16. **DATE OF REQUEST:**

attachements:

LIST OF SUPPORTING DOCUMENTATION

- A. Print outs from New Mexico Department of Labor Economic Research and Analysis benchmarked 1/02 updated 3/11/03 Table A – Civilian Labor Force. Employment Unemployment and Unemployment Rate calendar years 2000 and 2001.**
- B. Print out from FNS Web Site giving FY 2003 Allocations of the 15 Percent Exemptions for ABAWDS.**
- C. Excel spreadsheet with labor data calendar years 2000 and 2001.**
- D. Census data for State and Bernalillo County area and population data.**
- E. County Map of New Mexico.**

NEW MEXICO DEPARTMENT OF LABOR
ECONOMIC RESEARCH AND ANALYSIS
P. O. BOX 1928
ALBUQUERQUE, NEW MEXICO 87103

TABLE A - Civilian Labor Force, Employment,
Unemployment and Unemployment Rate 2000 1/

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	ANNUAL AVERAGE
UNITED STATES													
Civilian Labor Force 2/	141,228	141,775	142,123	142,138	142,144	143,874	143,797	143,171	142,149	142,685	142,797	143,110	142,583 3/
Employment	134,912	135,490	136,054	136,927	136,685	137,915	137,769	137,308	136,790	137,532	137,461	137,846	136,891
Unemployment	6,316	6,284	6,069	5,212	5,460	5,959	6,028	5,863	5,359	5,153	5,336	5,264	5,692
Rate	4.5%	4.4%	4.3%	3.7%	3.8%	4.1%	4.2%	4.1%	3.8%	3.6%	3.7%	3.7%	4.0%
Seasonally Adj. Rate	4.0%	4.1%	4.0%	3.8%	4.1%	4.0%	4.1%	4.1%	4.0%	3.9%	4.0%	3.9%	4.0%
NEW MEXICO													
Civilian Labor Force	824,002	831,499	843,856	847,501	850,168	867,391	868,058	862,604	862,035	867,645	868,909	862,469	854,678
Employment	779,112	790,041	802,838	807,724	808,292	815,044	822,379	819,656	820,730	827,302	829,342	825,705	812,347
Unemployment	44,890	41,458	41,018	39,777	41,876	52,347	45,679	42,948	41,305	40,343	39,567	36,764	42,331
Rate	5.4%	5.0%	4.9%	4.7%	4.9%	6.0%	5.3%	5.0%	4.8%	4.6%	4.6%	4.3%	5.0%
Seasonally Adj. Rate	5.1%	5.1%	5.0%	5.0%	5.0%	4.9%	4.9%	5.0%	4.9%	4.9%	4.8%	4.7%	5.0%
Albuquerque MSA 4/													
Civilian Labor Force	362,234	366,221	372,110	374,339	373,871	381,410	381,563	378,579	381,864	383,809	383,831	382,727	376,880
Employment	349,808	354,683	360,561	363,112	362,083	365,211	367,151	364,746	368,641	371,520	372,230	372,134	364,323
Unemployment	12,426	11,538	11,549	11,227	11,788	16,199	14,412	13,833	13,223	12,289	11,601	10,593	12,557
Rate	3.4%	3.2%	3.1%	3.0%	3.2%	4.2%	3.8%	3.7%	3.5%	3.2%	3.0%	2.8%	3.3%
Seasonally Adj. Rate	3.6%	3.5%	3.4%	3.4%	3.2%	3.4%	3.4%	3.3%	3.4%	3.2%	3.1%	3.1%	3.3%
Las Cruces MSA 5/													
Civilian Labor Force	71,219	71,293	72,350	72,566	73,430	71,977	71,386	73,302	72,949	74,712	75,194	73,633	72,834
Employment	65,289	65,745	66,837	67,082	67,851	66,184	66,151	68,535	68,228	70,119	70,444	69,166	67,636
Unemployment	5,930	5,548	5,513	5,484	5,579	5,793	5,235	4,767	4,721	4,593	4,750	4,467	5,198
Rate	8.3%	7.8%	7.6%	7.6%	7.6%	8.0%	7.3%	6.5%	6.5%	6.1%	6.3%	6.1%	7.1%
Seasonally Adj. Rate	7.5%	7.3%	7.1%	7.4%	7.2%	6.9%	7.1%	7.2%	7.3%	7.0%	7.1%	6.7%	7.1%
Santa Fe MSA 6/													
Civilian Labor Force	74,096	75,111	76,209	76,646	77,551	79,058	79,639	78,528	77,381	77,094	76,991	76,390	77,058
Employment	72,158	73,352	74,422	74,875	75,060	76,470	77,390	76,361	75,294	75,118	75,080	74,658	75,022
Unemployment	1,938	1,759	1,787	1,771	2,491	2,588	2,249	2,147	2,087	1,976	1,911	1,732	2,036
Rate	2.6%	2.3%	2.3%	2.3%	3.2%	3.3%	2.8%	2.7%	2.7%	2.6%	2.5%	2.3%	2.6%
Seasonally Adj. Rate	2.6%	2.5%	2.5%	2.5%	3.2%	2.7%	2.7%	2.7%	2.6%	2.5%	2.6%	2.5%	2.6%

1/ Estimates are not seasonally adjusted unless noted

2/ Numbers in thousands

3/ Source: U.S. Dept. of Labor, Bureau of Labor Statistics

Estimates are subject to revision

1/02 Benchmark

3/1/03

4/ Metropolitan Statistical Area - Bernalillo, Sandoval & Valencia Counties

5/ Metropolitan Statistical Area - Dona Ana County

6/ Metropolitan Statistical Area - Santa Fe & Los Alamos Counties

NEW MEXICO DEPARTMENT OF LABOR
ECONOMIC RESEARCH AND ANALYSIS
P. O. BOX 1928
ALBUQUERQUE, NEW MEXICO 87103

TABLE A - Civilian Labor Force, Employment,
Unemployment and Unemployment Rate 2000 1/

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	ANNUAL AVERAGE
Bernalillo County													
Civilian Labor Force	291,269	294,565	299,389	301,210	300,909	306,770	306,845	304,388	307,265	308,801	308,698	307,787	303,158
Employment	281,652	285,577	290,309	292,363	291,535	294,053	295,615	293,679	296,815	299,133	299,705	299,628	293,339
Unemployment	9,617	8,988	9,080	8,847	9,374	12,717	11,230	10,709	10,450	9,668	8,993	8,159	9,819
Rate	3.3%	3.1%	3.0%	2.9%	3.1%	4.1%	3.7%	3.5%	3.4%	3.1%	2.9%	2.7%	3.2%
Catron County													
Civilian Labor Force	1,142	1,157	1,208	1,168	1,205	1,184	1,204	1,172	1,178	1,122	1,110	1,113	1,164
Employment	1,006	1,023	1,092	1,096	1,141	1,099	1,129	1,087	1,087	1,043	1,006	1,020	1,069
Unemployment	136	134	116	72	64	85	75	85	91	79	104	93	95
Rate	11.9%	11.6%	9.6%	6.2%	5.3%	7.2%	6.2%	7.3%	7.7%	7.0%	9.4%	8.4%	8.2%
Chaves County													
Civilian Labor Force	24,600	24,725	24,934	24,834	24,858	25,502	25,735	25,279	25,068	25,696	25,570	25,455	25,188
Employment	23,005	23,260	23,472	23,506	23,484	23,681	24,026	23,797	23,500	23,506	24,018	24,073	23,611
Unemployment	1,595	1,465	1,462	1,328	1,374	1,821	1,709	1,482	1,568	2,190	1,552	1,382	1,577
Rate	6.5%	5.9%	5.9%	5.3%	5.5%	7.1%	6.6%	5.9%	6.3%	8.5%	6.1%	5.4%	6.3%
Cibola County													
Civilian Labor Force	11,400	11,576	11,771	11,838	11,933	12,263	12,171	12,010	11,808	11,930	12,151	11,945	11,900
Employment	10,490	10,744	10,952	11,085	11,158	11,146	11,211	11,101	11,003	11,142	11,439	11,307	11,065
Unemployment	910	832	819	753	775	1,117	960	909	805	788	712	638	835
Rate	8.0%	7.2%	7.0%	6.4%	6.5%	9.1%	7.9%	7.6%	6.8%	6.6%	5.9%	5.3%	7.0%
Colfax County													
Civilian Labor Force	6,500	6,441	6,650	6,469	6,794	7,726	7,858	7,572	6,635	6,568	6,503	6,493	6,851
Employment	6,083	6,105	6,309	6,071	6,463	7,358	7,538	7,294	6,308	6,237	6,158	6,133	6,505
Unemployment	417	336	341	398	331	368	320	278	327	331	345	360	346
Rate	6.4%	5.2%	5.1%	6.2%	4.9%	4.8%	4.1%	3.7%	4.9%	5.0%	5.3%	5.5%	5.1%

1/ Estimates are not seasonally adjusted unless noted

Estimates are subject to revision

1/02 Benchmark

3/11/03

MAY -1 2003

2030008

SUBJECT: FSP – New Mexico Waiver Request – 7 CFR 273.24

TO: Judy K. Barron, Director
Food Stamp Program
Southwest Region Office

This is in response to New Mexico's request to waive the regulations at 7 CFR 273.24. Under this waiver, the entire State of New Mexico, except Bernalillo County, would be exempt from the able-bodied adults without dependents (ABAWD) work requirements because the average unemployment rate was greater than 20 percent above the national average over a 24-month period.

Our response is attached. If you have any questions, please contact Valerie Womer at (703) 305-2507.



Patrick Waldron
Chief
Certification Policy Branch
Program Development Division

Attachment

cc: PAD – SAB w/attachment
PAD – QCB w/attachment
Bob Dalrymple (OANE) w/attachment
Mike DePiro (OANE) w/attachment
All Regions (except SWRO) w/attachment

FINAL:USDA:FNS:FSP:PDD:CPB:VWOMER:5/1/03:jas
FC:ABAWD Waivers – New Mexico
File:I:CPB:Waivers:FY 2003:203008 NM ABAWD extension:VWomer:5/1/2003

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	Womer	5/1/03			

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WAIVER RESPONSE

1. **Waiver serial number:** 2030008
2. **Type of request:** Extension/Modification
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:** None
5. **State:** New Mexico
6. **Region:** Southwest
7. **Regulatory requirements:** 7 CFR 273.24 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; or did not participate in and comply with requirements of a program under Section 20 or a comparable program established by the State.

7 CFR 273.24(f) also provides that, 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 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. **Description of proposed alternative procedures:** New Mexico's waiver number 2030008 expired April 30, 2003. The waiver covered the entire State.

The State agency wishes to extend this waiver with a modification to cover the entire State, except Bernalillo County, due to an unemployment rate (UER) at least 20 percent above the national unemployment rate for a 24-month period. In accordance with 7 CFR 273.24(f)(2)(ii), the State agency is providing data from the Bureau of Labor Statistics (BLS), U.S. Department of Labor to support its requests.

According to the State agency's calculations, the requested area had a 5.7 percent UER for the period January 2000 through December 2001. New Mexico is using this time period because the BLS based its designation of Labor Surplus Areas (LSAs) on data for calendar years (CY) 2000 and 2001.

The national average UER for CY 2000 and 2001 was 4.4 percent. For an area in a State to be eligible for the 20 percent exemption, its UER must be at least 5.3 percent, which is 120 percent above the national average. Because the requested area in New Mexico had an average UER of 5.7 percent, it qualifies for a waiver.

9. **Action and reason for approval or denial:** We are approving New Mexico's request for an ABAWD work exemption to cover the entire State, except Bernalillo County. We reviewed the data and calculations submitted by the New Mexico State agency, and are approving the State's request based on the area's unemployment rate being more than 20 percent above the national average for calendar years 2000 and 2001.
10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24(f), which 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 FNS makes a determination that the area in which the individuals reside has an unemployment rate over 10 percent, or does not have a sufficient number of jobs to provide employment for the affected individuals.
11. **Conditions and reasons:** N/A
12. **Information required for extension:** Please submit supporting unemployment data that relies on state BLS data and/or methods and data indicating a lack of sufficient jobs.
13. **Expiration date:** This waiver is approved retroactively to May 1, 2003, and will expire on April 30, 2004. Please ask the State to submit future requests no later than 30 days prior to the expiration date.
14. **Limitation, if any, on regional office approval of like requests:** This waiver is limited to the New Mexico State agency only.
15. **Quality control procedures:** N/A
16. **Date of national office action:**
17. **Date of State agency's request:**
18. **Date of regional office transmittal of request to national office:** April 24, 2003
19. **Date of regional office transmittal of response to State agency:**
20. **Actual implementation date:**