



for

**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**

March 18, 2003

Mr. Joseph Weingart, Regional Director
Food Stamp Program
USDA, Food and Nutrition Service
Mercer Corporate Park
300 Corporate Boulevard
Robbinsville, New Jersey 08691-1598

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 Able Bodied Adults Without Dependents (ABAWDS) residing in counties with higher than the national average unemployment rates.

Based upon statistics provided by the United States Department of Labor, West Virginia is requesting to exempt individuals who live in thirty counties designated as Labor Surplus Areas.

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

Sincerely,

Paul L. Nusbaum
Secretary

PLN/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 30 counties due to their designation by the United States Department of Labor as Labor Surplus Areas (LSA). In its website published March 7, 2003, the following counties in West Virginia are designated as Labor Surplus Areas:

Barbour	Boone	Braxton	Calhoun
Fayette	Gilmer	Grant	Clay
Greenbrier	Jackson	Lewis	Lincoln
Logan	Mason	Mineral	McDowell
Mingo	Nicholas	Pendleton	Pleasants
Pocahontas	Randolph	Ritchie	Roane
Summers	Tucker	Webster	Wetzel
			Wirt
			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.

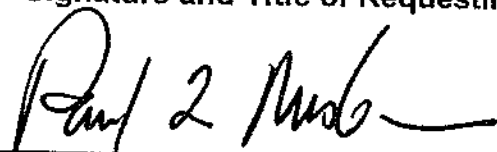
10. **Duration of Waiver:**

Because the 2002 Waiver based on LSA was extended by 90 days, we are requesting this waiver for 12 months, from April 2003 through March 31, 2004.

The following counties do not meet any ABAWD waiver criteria under PRWORA for 2003:

Berkeley	Jefferson	Preston
Brooke	Kanawha	Putnam
Cabell	Marion	Raleigh
Doddridge	Mercer	Taylor
Hampshire	Monongalia	Tyler
Hancock	Morgan	Upshur
Hardy	Monroe	Wayne
Harrison	Ohio	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:** _____