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FACSIMILE TRANSMITTAL SHEET

TO: Alexis Lometz FROM: J. Archer
COMPANY: USDA-FNS. DATE: 8/27/08
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☒ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☒ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

*See attached signed waiver.
Original will be sent in the mail
Thanks.*



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES
Department of Human Services
"Working Together to Make A Difference"

OFFICE OF THE COMMISSIONER

August 18, 2008

Mr. William Kluxen
Regional Director
USDA-FNS
Mid-Atlantic Region
300 Corporate Boulevard
Robbinsville, NJ 08691-1598

Dear Mr. Kluxen:

Please accept this letter as a request for a renewal of the Virgin Islands' waiver number 2060070, which exempts able-bodied adults without dependents (ABAWD) throughout the territory from the 36-month time limit on benefit receipt. We have provided your office with an Excel spreadsheet calculating the unemployment rate for 36 months to support a waiver of 2 years in duration. The data clearly demonstrate that the entire territory exceeds the national rate by the required 20 percent threshold.

We have sent via electronic copy the spreadsheet showing the unemployment data noted above. The source of our data is the U.S. Department of Labor, Bureau of Labor Statistics and the Virgin Islands Bureau of Labor Statistics.

If you have any questions, please do not hesitate to contact Lennox Zamore, Administrator, Financial Programs Division, at (340) 774-7125. Thank you for your consideration of this waiver request.

Sincerely,

Christopher H. Finch
Commissioner

CEF/lz

Attachment

c: Mrs. Michal Rhymer-Charles
Mr. Lennox Zamore
Ms. Colleen A. Evans

WAIVER REQUEST

1. **Waiver serial number:** 2060070
2. **Type of request:** Extension
3. **Primary regulation citation:** 7 CFR 273.24(f)(3)(iii)
4. **Secondary regulation citation, if any:** None
5. **State:** Virgin Islands
6. **Region:** Mid-Atlantic

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 (PROWORA), 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 participate in and comply with the requirement 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 under established by the State.

Section 6(o) of the Food Stamp Act, as amended by Section 824 of 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 resides has an unemployment rate of over 10 percent, or does not have a sufficient number of jobs to provide employment for the individuals.

In addition, 7 CFR 273.24(f) (3) (iii) permits states to use "data from the BLS or the BLS cooperating agency that an area has an 36-month average unemployment rate greater than 20 percent above the national average for a 36-month period, ending no earlier than three months prior to the request.

8. **Description of proposed alternative procedures:** The Virgin Islands is seeking a state agency-wide waiver of the ABAWD time-limited participation provision based on an aggregate average unemployment rate of at least 20 percent above the national average for the 36-month period of June 2005 through May 2008. During this period, the national average unemployment rate was 4.7% and the 120 percent threshold was 5.7%. For the same period, the Virgin Islands state agency-wide unemployment rate was 6.2%.

9. **The period for which waiver is needed:** October 1, 2008 to September 30, 2010.