

WAIVER REQUEST

1. **Waiver serial number:**
970125
2. **Type of request:**
Modification and Extension
3. **Primary regulation citation, if any:**
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, P.L. 104-193.
4. **Secondary regulation citation, if any:**
7 CFR 273.24 (f)(3)(iii)
5. **State:**
North Dakota
6. **Region:**
MPRO
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 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 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.
8. **Proposed procedures:**
The State of North Dakota requests to waive individuals residing in combined areas within the state. This combined area is a contiguous part (sub-region) of one of the eight regions in North Dakota served by Regional Councils or a contiguous combination of such sub-regions. The regions were established by executive order of

the Governor in 1969 and are “areas involving a combination of counties and cities which have a basic common denominator in their social, economic and cultural pattern of behavior, as well as in their geographic features and other influences.”¹

The State seeks a waiver for contiguous areas that are eligible based on aggregate average unemployment rates of at least 20 percent above the national average during January 2007 through December 2008, when the national average unemployment rate plus 20 percent was 6.2.

Combined Regions:

COUNTY	UNEMPLOYMENT RATE, Jan 2007-Dec 2008	COUNTY	UNEMPLOYMENT RATE, Jan 2007-Dec 2008
Sub-region of Region 2		Sub- region of Region 7	
McHenry County	5.1	Emmons County	5.0
Pierce County	4.4	Kidder County	4.5
Sub-region of Region 3		Sheridan County	4.6
Benson County	6.5	Sioux County	5.9
Eddy County	5.5		
Rolette County	9.3		
Towner County	3.6		
Total for Combined Regions			6.3

Benson and Rolette Counties qualify based on having average unemployment rates of at least 20 percent above the national average during January 2007 through December 2008. Eddy, Emmons, Kidder, McHenry, Pierce, Sheridan, Sioux, and Towner Counties qualify for waivers based on the area’s aggregate average unemployment rate, which is at least 20 percent above the national average during January 2007 through December 2008.

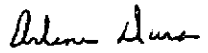
Using FNS federal fiscal year 2009 allowable case-month exemptions as the most current data available, we are allowed 66 exemptions per month. Taking the yearly average exemptions times 18 months (the number of months the ABAWD provisions were suspended), we have calculated 99 monthly exemptions. Those exemptions will be used in the following counties: Mountrail, McLean, Mercer, Oliver, Foster and Wells.

9. Justification for request:

As stated in number 8 above, the areas listed above have an average unemployment rate of at least 20 percent above the national average during a recent 24-month time period. All of the raw data supporting our numbers that we have used are from the Bureau of Labor Statistics (BLS) website.

¹ Please refer to the following Internet sites for more information on North Dakota’ Regional Councils:
<http://www.business.nd.gov/searchcenter/regional/>
<http://www.sourisbasin.org/about/history.shtml>

10. **Anticipated impact on households and State agency operations:**
This waiver will provide consistency for households and State agency operations in areas where unemployment remains higher than the national average.
11. **Caseload information, including percent, characteristic, and quality control error rate for affected portion:**
The caseload for these counties as of September 2, 2010, represents 21% of the caseload for the state. There are no quality control procedures involved.
12. **Anticipated implementation date and time period for which waiver is needed:**
The State is requesting a one-year waiver from October 1, 2010 through September 30, 2011.
13. **Proposed quality control review procedures:**
There are no special quality control procedures needed in conjunction with this waiver.
14. **Signature and title of requesting official:**



Arlene Dura, Director
15. **Date of request:**
September 20, 2010