

# **MI-WIC POLICY**

## ***Administration***

### **1.0 Administration**

*Effective Date: 05/19/2016*

#### **1.04B Exhibit: Fair Hearing Procedures for WIC Clients**

### **MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES FAIR HEARING FOR WIC CLIENTS**

If you receive a decision from the WIC Program resulting in denial of participation, disqualification or request for repayment, which you believe is unfair; you may request a Fair Hearing.

The first thing to do is: ask a WIC Program employee for a Fair Hearing. The request for a Fair Hearing must be made within 60 days of the decision. If you make the request within 15 days of the decision, it will allow you to continue receiving WIC benefits while waiting for the hearing and hearing decision. If your eligibility ends while waiting for the hearing decision, your WIC benefits will be discontinued.

NOTE: If your application for WIC benefits is denied, you may ask for a Fair Hearing. However, you will not receive WIC benefits while waiting for the hearing decision.

#### **LOCAL INFORMAL MEETING**

You will be given the option for an informal meeting within a week with a WIC staff member. During the meeting a solution to the problem will be discussed. If a solution is reached, you must complete the Settlement Agreement Form. If no solution is reached, the Fair Hearing will be held.

**The following steps apply to both Local Agency and/or State Level Hearings:**

#### **NOTICE OF FAIR HEARING**

You will receive notice of the Fair Hearing. If you cannot keep this appointment, contact the WIC agency the same day you receive the notice.

#### **FAIR HEARING**

At the Fair Hearing, tell the Hearing Officer or panel why you believe the WIC decision was wrong. You may obtain help from an attorney or another person. You may look at WIC Program records before or during the hearing. You may present evidence to support your case and you may question any WIC program person.

#### **DECISION OF THE HEARING OFFICER OR PANEL**

After reaching a decision, the Hearing Officer or panel will notify you directly. You can expect to receive the decision in writing within 45 calendar days from the date the local agency received your fair hearing request.

#### **WRITTEN FAIR HEARING RECORD**

The written fair hearing record is kept at the local WIC agency for three years, 150 days.

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Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) Mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) Fax: (202) 690-7442; or
- (3) Email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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