

### 1.0 ADMINISTRATION

Effective Date: DRAFT

#### 1.08 Administrative Appeal of State Agency Decisions

**PURPOSE:** To detail steps by which a WIC local agency may appeal a decision made by MDCH WIC Division regarding the eligibility of such local agency for participation in the Special Supplemental Food Program for Women, Infants and Children or regarding an adverse decision which has affected the local agency's status.

#### A. POLICY:

##### 1. Requesting the Administrative Appeal

- a. A request for an administrative appeal is defined as any clear expression that an opportunity to present the matter to a higher authority is desired. A request for an administrative appeal shall be submitted within sixty (60) calendar days from the date the notice of ineligibility for program participation or other adverse decision was mailed to the local agency. If a request for an administrative appeal is made within the period described in this paragraph, the local agency may remain authorized by MDCH to provide WIC services until notified of the decision following the hearing.
- b. The request for an administrative appeal shall be made in writing and submitted to:

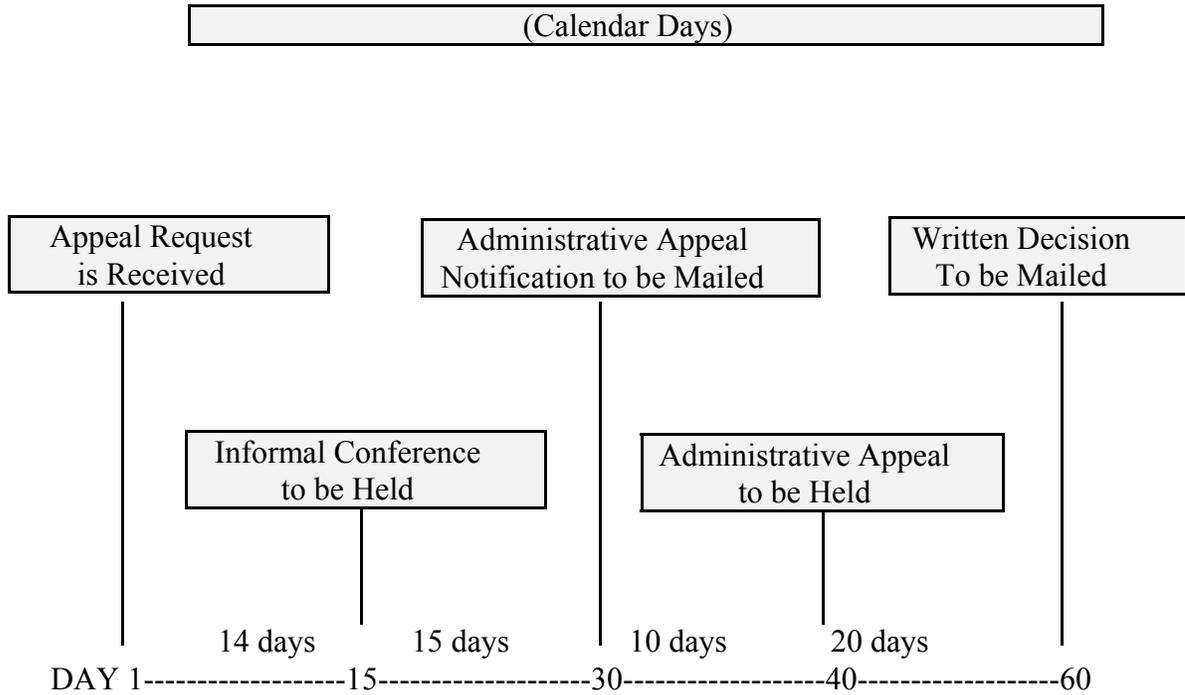
**Director, WIC Division  
Michigan Department of Community Health  
Lewis Cass Building  
320 South Walnut  
Lansing, Michigan 48913**

The request shall describe the decision that is being appealed and the matters asserted.

- c. Within fifteen (15) calendar days following receipt of a request for an administrative appeal, MDCH WIC Division shall provide the local agency with an opportunity for an informal conference at the offices of MDCH or at a mutually agreeable place.
  - d. If matters giving rise to the appeal are not resolved to the agreement of all parties at the informal conference, an administrative appeal shall be scheduled within forty (40) calendar days from the date of the request for an administrative appeal.
- ##### 2. Establishing the Administrative Appeal
- a. Upon determination that an administrative appeal is necessary, an administrative officer or panel shall be appointed by the Director of the MDCH WIC Division. Neither the administrative officer nor any member of a panel shall have participated in making the decision under appeal nor in any previously held conferences regarding the appeal.

- b. Written notification of the administrative appeal shall be sent to the local agency at least ten (10) calendar days prior to the scheduled administrative hearing date. This notification shall be sent via certified mail and shall specify the time and place of the administrative appeal and the name(s) of the administrative officer or panel members.
    - c. The local agency or its representative shall be offered an opportunity to examine, prior to, and during the administrative hearing, the documents and records presented to support the decision under appeal.
  3. The Administrative Appeal
    - a. An opportunity shall be provided for the local agency and to MDCH WIC Division or its representative to present oral or documentary evidence and arguments supporting their position.
    - b. During the administrative appeal, the local agency shall be afforded the opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses.
    - c. The local agency may be represented by counsel or other person of its choice.
  4. Decision of the Administrative Officer or Panel
    - a. The decision of the administrative officer or panel shall be based on the oral and documentary evidence presented at the administrative appeal. This decision shall be made a part of the administrative appeal record.
    - b. After the administrative appeal, the administrative officer or panel shall, within twenty (20) calendar days from the date of the administrative appeal, notify the local agency or its representative of the decision in writing.
  5. The Written Appeal Record
    - a. A written record will be prepared with respect to the administrative appeal and will include:
      - The decision under appeal.
      - The administrative appeal notification.
      - Any documentation evidence admitted.
      - A summary or verbatim transcript of any oral testimony presented at the administrative appeal.
      - The decision of the administrative officer or panel and reasons for the decision.
      - A copy of the notification to the local agency or its representative of the decision of the administrative officer or panel.

- b. The written record of the administrative appeal shall be kept on file at MDCH for a period of three (3) years and 150 days and shall be made available for examination by the local agency or its representative at any reasonable time and place during the three (3) year and 150 day period.



6. Rehearing - Appeal to MDCH Director

- a. A local agency may request a rehearing of the administrative appeal decision. The request for rehearing must be made in writing within 10 days of receipt of the decision of the Administrative Officer or panel.
- b. The request for rehearing shall be made to:

**Director  
Michigan Department of Community Health  
Capitol View Building  
201 Townsend Street  
Lansing, Michigan 48913**

The request must describe the decision being appealed and the matters asserted.

- c. A rehearing shall be scheduled within 20 weekdays from the date of the request.
- d. The decision of the Director shall be conveyed in writing to the appellant within 15 weekdays of the date of the rehearing to the Director. The response from the Director shall advise the appellant of the Department's decision and any opportunity for judicial review of the decision.

### **B. DEFINITION:**

Local Agency - Any agency contracted by MDCH to provide WIC services.

### Reference:

Federal Regulations, 246.18