

7.0 Vendor Appeals

Effective Date: 08-01-2021

7.03 Administrative Reviews

PURPOSE: To describe the appeals process for administrative reviews. Refer to Michigan WIC Vendor Policy 7.02 for adverse actions subject to administrative review.

DEFINITIONS:

Administrative review means an appeal process that is solely a review of written documents and does not involve an administrative hearing in front of a judge.

A. POLICY:

1. Administrative reviews shall be conducted by the Michigan Department of Health and Human Services Appeals Section. The Appeals Section will not participate in making decisions on initial adverse actions.
2. The Notice of Adverse Action received by the WIC-authorized Vendor or Vendor Applicant (Vendor) will alert the Vendor of their ability and filing deadline to appeal the decision via administrative review. The notice will include the Administrative Review Request Form. (See Exhibit 7.03A Administrative Review Request Form (MDHHS-5947).)
3. To request an administrative review, the Vendor must complete and submit the Administrative Review Request Form to the Appeals Section. Untimely and/or incomplete requests will not be considered. (See Exhibit 7.03A Administrative Review Request Form (MDHHS-5947).)
4. The Appeals Section shall decide whether to uphold or overturn the adverse action by reviewing documents provided by both the Department and Vendor.
5. Upon conclusion of its review, the Appeals Section will issue a final decision to the Vendor by certified mail.
 - a. The final decision is effective on the date the Vendor receives it.
 - b. The decision to uphold or overturn an adverse action is based solely on whether the Department has correctly applied federal and state statutes, regulations, policies and procedures governing the program according to the information provided by the Department and the Vendor.
6. The Vendor may be able to pursue judicial review of the final decision in accordance with 7 CFR 246.18, MCL 600.631, MCR 7.101, 7.103 and MCR 7.104(A).

References:

[7 CFR Part §246.18](#)
[MCL 600.631](#)
[MCR 7.101](#)
[MCR 7.103](#)
[MCR 7.104\(A\)](#)

Cross References:

7.02 [Adverse Actions Subject to Appeal](#)

Exhibits:

7.03A [Administrative Review Request Form](#)