

MICHIGAN FAIR HEARING PROCEDURE FOR WIC CLIENTS

What is a Fair Hearing?

A fair hearing is a legal hearing. In a fair hearing you tell your story to a hearing official. The hearing official is not from the WIC program. The hearing official decides if the WIC program has treated you fairly.

What are the reasons to ask for a Fair Hearing?

You may ask for a fair hearing if WIC:

- Says you are not eligible for the program for any reason and you think they are wrong.
- Is taking you off the program and you think this is unfair.
- Is asking you to pay money back to the program.

How do I ask for a Fair Hearing?

- You can fill out a Local Agency Fair Hearing Request form or write a letter and send it to your local WIC agency address. The form is available from your local agency or the Michigan WIC program website at [Insert Link].
- In the letter you must give your name, your address, the name of the WIC clinic and the reason you want a fair hearing. Please let us know if you need an interpreter.
- 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, a fair hearing will be held.

Is there a time limit to ask for a Fair Hearing?

Yes. You have 60 calendar days from the date of the letter saying you:

- are not eligible for WIC,
- are being taken off WIC, or
- have to pay money back to the program.

Will I still get WIC benefits?

- **You may** get WIC benefits if you are still in the time period you qualified for WIC **and** you ask for a fair hearing within 15 calendar days of the date of the letter saying you are being taken off the WIC program.
- **You will not** get benefits if the time period for which you qualified has ended or if you never received WIC benefits.

What are my rights if I ask for Fair Hearing?

- The hearing must be held within 21 calendar days from the date your request for a fair hearing is received.
- The notice for the hearing must come to you at least 10 calendar days before the hearing.
- The hearing must take place close to where you live.
- You have a right to review WIC records before and during the hearing.
- You have the right to be assisted by a lawyer or other persons at your expense.

What if I am not able to go to the Fair Hearing?

You must let the hearing official know ahead of time if you will not be able to attend the hearing. A new hearing date will be set.

What happens at the Fair Hearing?

- The hearing official conducts the fair hearing.
- The hearing official listens to what you and the WIC staff have to say. The hearing official makes sure you are treated with fairness.
- You can ask questions and present information, witnesses or other evidence.
- You can explain why you think you or your child should qualify for WIC, why you should be able to stay on the program, or why you should not have to pay money back to the program.
- The hearing official decides whether you should qualify for WIC or be able to stay on the program, or if you have to pay money back to the WIC program, based on the evidence.
- The hearing official must give a decision in writing within 45 calendar days from the time you ask for the hearing. You will receive the hearing official's decision letter in the mail.

What if I disagree with the Local Hearing Official's decision?

You may appeal the hearing decision to the State WIC program. The appeal must be made within 15 calendar days of the mailing date of the hearing decision notice. If the decision being appealed concerns being taken off WIC, you cannot receive benefits. The appeal to the State WIC Program shall be addressed to:

Michigan Department of Health and Human Services
Director, WIC Program
Elliott-Larsen
320 S. Walnut St.
Lansing, MI 48913

The State hearing official will review the decision to decide if:

- The hearing was not carried out properly.
- The local hearing official did not give clear directions.
- There was not enough evidence to justify the decision.

Call your local WIC clinic if you have any questions about fair hearings. In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity. Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

mail:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or **fax:** (833) 256-1665 or (202) 690-7442; or **email:** program.intake@usda.gov

This institution is an equal opportunity provider.