

### 5.0 Vendor Compliance

*Effective Date: 08-01-2021*

#### 5.06 Vendor Complaints

**PURPOSE:** To describe the process for receiving and taking action on complaints against WIC-authorized Vendors.

#### A. POLICY:

1. The Department is required to investigate and resolve complaints submitted against authorized WIC Vendors.
2. Complainants (WIC clients, Local Agency staff, WIC Vendors, and the general public) shall submit a complaint against an authorized WIC Vendor using the WIC Vendor Complaint Form, which can be found on the WIC Vendor Website at [michigan.gov/WICVendor](http://michigan.gov/WICVendor). The form should be completed in as much detail as possible and submitted to the Department with supporting documentation via instructions detailed on the top of the form. (See Exhibit 5.06A WIC Complaint Submission Site.)
3. The Department shall document all evidence and conversations involved in the investigation, as well as conduct follow-up with appropriate stakeholders when resolution has been achieved.
4. Vendor complaints investigated by the Department include, but are not limited to:
  - a. Minimum stock issues. Vendor did not carry the required minimum stock of WIC-approved items for purchase.
  - b. Food expiration issues. WIC-approved items available for purchase were spoiled, expired, or past the date listed on the item or package.
  - c. Participants unable to redeem benefits. Vendor refused to complete the WIC transaction or did not allow for the purchase of WIC-approved items with WIC benefits.
  - d. UPC scanning issues. Item did not scan as WIC-approved, or other electronic benefit transfer (EBT) related issues.
  - e. Treatment of WIC clients. Disrespectful or rude treatment of WIC clients by Vendor staff.
  - f. Fraud or benefits trafficking. This includes, but is not limited to, buying and selling WIC EBT food instruments for cash, allowing the sale of non-WIC-approved foods or prohibited items for food instruments, and providing credit or rain checks for WIC-approved foods not available at the time of the transaction.

- g. Prohibited Incentives. Vendors are not allowed to offer ANY incentives for the purpose of attracting WIC clients only. Incentives offered to WIC clients must be the same as offered to all customers. Refer to Exhibit 2.05A WIC Vendor Contract for additional information on allowable and prohibited incentives.
      - h. Any other issues related to Vendors.
- 5. Violations identified during the course of investigation shall be documented in MI-WIC and the Vendor file and referred for the appropriate adverse action as outlined in the WIC Vendor Sanction Schedule. (See Exhibit 6.01A WIC Vendor Sanction Schedule.)
- 6. Vendors, clients and/or local agencies may also be referred for one or more of the following:
  - a. Monitoring and/or training. (See Policy 4.03 Training for Authorized Vendors and 5.03 In-Store Monitoring Visits.)
  - b. Compliance investigation (i.e., inventory audit or undercover compliance buy). (See Policy 5.04 Inventory Audits and 5.05 Compliance Buys.)
  - c. Client education or investigation.
  - d. Local agency education or investigation.
  - e. Investigation by other agencies.
- 7. In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, offices and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. Persons seeking to file a program complaint of discrimination should:
  - a. Complete the USDA Program Discrimination Complaint Form; (See Exhibit 5.06B USDA Discrimination Complaint Form.)
  - b. Write to:
    - USDA – Director
    - Office of Adjudication and Compliance
    - 1400 Independence Avenue SW.
    - Washington, DC 20250-9410
  - c. Fax: (202) 690-7442; or
  - d. Email: [program.intake@usda.gov](mailto:program.intake@usda.gov)

References:

- [7 CFR Part §246.8 \(b\)](#)
- [7 CFR Part §246.12 \(o\)](#)

Cross-references:

- [4.03 Training for Authorized Vendors](#)
- [5.03 In-Store Monitoring Visits](#)
- [5.04 Inventory Audits](#)
- [5.05 Compliance Buys](#)

Exhibits:

- [5.06A WIC Complaint Submission Site](#)
- [5.06B USDA Discrimination Complaint Form](#)
- [6.01A WIC Vendor Sanction Schedule](#)