



**POLICY:** Each WIC participant or applicant has the right to appeal a local or state WIC program decision that results in a claim against the individual for repayment of the cash value of improperly received benefits, or in the person's disqualification or termination from or denial of participation in the WIC program.

**PURPOSE:** To give individuals a method of requesting a review of WIC program decisions regarding repayment and/or eligibility when they feel they have not been treated fairly.

**RELEVANT REGULATIONS:** 7 CFR §246.9—Fair hearing procedures for participants

**OREGON WIC PPM REFERENCES:** ♦590—Participant Violations  
♦636—Participant Notification: Ineligibility and Termination from WIC

**DEFINITIONS:**

<i>Appeal</i>	Review of an agency decision by a neutral third party.
<i>Contested case</i>	A proceeding before an agency in which individual legal rights, duties, or privileges of specific parties are required by statute or constitution to be determined only after a hearing at which specific parties are entitled to appear and be heard; in which the agency has discretion to suspend or revoke a right or privilege or a person; for the suspension, revocation or refusal to renew or issue a license, where the applicant or licensee demands a hearing; or where the agency provides a contested case hearing by rule or by order.
<i>Disqualified</i>	Termination of a participant from WIC and cessation of WIC benefits for a specific amount of time, due to a participant violation. The participant may reapply for benefits at any time after the sanction period is over.
<i>Ineligible</i>	No longer meeting the eligibility requirements necessary to participate in the WIC program.
<i>Request for a hearing</i>	Any clear expression by the individual or the individual's parent, caretaker, or other representative, that he or she desires an opportunity to present his or her case to a higher authority.
<i>Terminated</i>	A participant is terminated from the program when a participant's file is closed and benefits cease for any reason, including lack of eligibility, no longer breastfeeding, transferring out to state, etc. If the participant has been terminated due to a participant violation, it is considered a disqualification.

**APPEALS PROCESS (CONTESTED CASE) FOR PARTICIPANTS, cont.**

**PROCEDURE:**

- Right to appeal*** 1.0 Each WIC applicant denied participation and each participant disqualified or terminated from the program, or asked to repay the cash value of improperly received benefits, shall be notified in writing of the reason for the action, the right to appeal and the opportunity for a hearing. See ♦636—Participant Notification: Ineligibility and Termination.
- Record review for ineligible or terminated participants*** 2.0 If a participant is found ineligible to receive program benefits or is terminated from the program, he or she may make an oral request for a review of the records by the local WIC coordinator before appealing.
- 2.1 The WIC coordinator may reverse the decision after reviewing the facts and issues. The WIC coordinator may seek guidance from the state WIC program prior to issuing his or her decision.
- 2.2 If the WIC coordinator does not reverse the decision after the review, the participant may request that the coordinator forward the case record to the state WIC program nutrition and local services manager for further consideration.
- 2.3 The state WIC program nutrition and local services manager shall review the case record and may reverse the decision of the local program at his or her discretion. The manager will discuss the issues with the participant and the WIC coordinator.
- 2.4 If the state WIC program nutrition and local services manager sustains the decision, the participant may request that the matter be set for a formal hearing.
- Record review for disqualified participants*** 3.0 If a participant is disqualified from the program, he or she may make an oral request for a review of the records by the state WIC operations manager before requesting a hearing.
- 3.1 If the participant makes an oral request to local program staff, they must refer the participant to the state WIC operations manager.
- 3.2 The state WIC operations manager may reverse the decision after reviewing the facts and issues.
- 3.3 If the state WIC operations manager sustains the decision, the participant may request that the matter be set for a formal hearing.
- Fair hearing request*** 4.0 If the participant disagrees with the decision made by either the local WIC coordinator or a state program manager, he or she may appeal the decision by submitting a formal request for a fair hearing.
- 4.1 A fair hearing may be requested by one of three methods:

**APPEALS PROCESS (CONTESTED CASE) FOR PARTICIPANTS, cont.**

- A written statement made by the participant or representative outlining the reasons he or she believes the program decision is wrong. This statement must include the name, current address and current phone number of the participant or representative for further communication, or;
- Filling out the provided “*Applicant/Participant Administrative Hearing Request*” form (form 57-201), or;
- Calling the WIC Operations Manager at the state WIC office and verbally stating the request.

- 4.2 All requests for a fair hearing must be submitted to the state WIC operations manager within 60 days of the date of notification of the original finding.
- 4.3 Once a request for a fair hearing has been submitted to the state WIC operations manager, all communication regarding the fair hearing will be made by the state WIC office.
- 4.4 Final notice of hearing decisions shall be sent to the local WIC coordinator upon hearing conclusion

***Continuation of benefits***

- 5.0 Applicants denied benefits at initial certifications or at subsequent certifications who appeal the denial shall not receive benefits while awaiting a record review or the decision of the hearings official.
- 5.1 WIC participants who are disqualified or terminated at a time other than recertification shall receive benefits until a decision has been rendered, the current certification period ends or the participant becomes categorically ineligible, whichever occurs first. ★

**If you need this in large print or an alternate format,  
please call 971-673-0040.  
WIC is an equal opportunity program and employer.**