

Subject: Notification of Ineligibility/Disqualification

References: 7CFR Part 246.7 (j) (5)

Policy: Persons determined to be ineligible at the time of certification or mid-certification, or disqualified at any time, must be informed in writing of the reason for ineligibility or disqualification, and of their right to a fair hearing.

Purpose: To inform an applicant or participant of his/her ineligibility for the WIC Program.

Procedures:

Ineligibility at Certification

Persons determined to be ineligible during a certification or recertification appointment, must receive written notification of ineligibility, the reason for ineligibility, and of their right to a fair hearing. WIC staff must:

1. Complete the applicable portions in the WIC Information System, documenting the reason for ineligibility.
2. Provide the applicant the signed letter of ineligibility.
3. Retain a copy, or document that it was given.
4. Sign the Rights & Responsibilities form, indicating ineligibility. (The applicant *is not* given this form to read or sign.) Retain this form in accordance with procedures outlined in Section 1.14 Record Retention.
5. **Offer** nutrition education and referrals, and document in a note.
6. **Not issue vouchers.**

Applicants who are missing required documentation at certification, determined to be *temporarily eligible* and later, when documentation is provided, are determined to be *ineligible*, must receive written notification of ineligibility and the reason for ineligibility, and of their right to a fair hearing. WIC staff must:

1. Provide the applicant the signed letter of ineligibility;
2. Write a note in the participant record to explain these actions, including that a letter of ineligibility was provided; and
3. Terminate the record in the WIC Information System.

Ineligibility during the Certification Period

Occasionally, participants are determined to be income ineligible during their certification period. (For more details, see Section 5.2.4, Reassessment of Income Eligibility During the Certification.) In these situations, the participant must receive written notice of the ineligibility, the reason for ineligibility, and of their right to a fair hearing, not less than 15 days before the termination. WIC staff must:

1. Enter the new income in the participant's record and save the change. The WIC Information System will record the ineligibility and produce a letter of ineligibility.
2. Provide the applicant the signed letter of ineligibility.

3. Retain a copy, or document that it was given.
4. Provide the participant a partial food package to cover the 15 day period to the date of the termination.

Disqualification for Fraud or Abuse

Participants disqualified for fraud or abuse must receive a written notice of disqualification and the reason for disqualification, and of their right to a fair hearing, not less than 15 days before the disqualification. *Additional vouchers may not be issued.*

Certification Expiration

Participants must be notified (either verbally or in writing) at least 15 days in advance that their certification will be ending due to categorical ineligibility. For example, verbally notify the parents of a four year old, that the child is no longer eligible to receive WIC benefits after he turns five.

Letter of Ineligibility Not Necessary

Written letters of ineligibility are not necessary:

- When participants become categorically ineligible (e.g., child turns 5, non-breastfeeding woman reaches six months postpartum);
- If a participant does not return for their recertification appointment;
- If a person only requests information or inquires about the program.

Determinations of eligibility or ineligibility are made only at the certification appointment.

Guidance:

- When an inquiry is made by someone who resides outside of the local agency's service area, the local agency should refer that individual to the WIC agency serving their area. A written letter of ineligibility is **not** given.

Related Policies: Section 1.13 Fair Hearing Procedure
 Section 5.2 Certification Procedures
 Section 6.3 Nutrition Education