

Division of Community Nutrition

<i>Subject:</i> Program Abuse and Sanctions		<i>Policy:</i> ADM 05.0
<i>Reference:</i> CFR §246.7	<i>Effective:</i> January 20, 2020	<i>Supersedes:</i> August 12, 2013

I. Policy

The State WIC Office determines Program abuses and sanctions that may be issued to applicants / participants. When more than one abuse is involved at a time, the sanction shall be based on the more serious abuse.

If an abuse occurs more than 12 months after the last abuse, the local agency shall process the abuse as a first offense. When more than three (3) abuses in a 12-month period occur, the local agency shall issue a three (3) month temporary disqualification.

The State WIC office shall disqualify the participant for one year for claims of \$100 or more, dual participation, or a second or subsequent claim of any amount.

A disqualified participant shall be given the opportunity to appeal the disqualification.

II. Procedure

A. Program abuses and assigned sanctions are as follows:

ABUSE	NUMBER OF OFFENSES	SANCTION
Class I		
Any deliberate misrepresentation of income, name, residence, family size, medical data, or date of birth to obtain WIC benefits	All	Three month disqualification
Dual participation – redeeming food benefits from two programs/agencies in same month	All	One year disqualification
Assessed claim for \$100.00 or more	All	One year disqualification
Assessed second or subsequent claim for any amount.	2 nd or subsequent	One year disqualification
Attempting to steal or actually stealing EBT Cards from the Local Agency or another participant, if under a \$100.00	All	Three month disqualification
Selling, exchanging or giving away EBT cards, food, or formula	All	Three month disqualification
Redeeming WIC food benefits reported as lost or stolen, if under a \$100.00	All	Three month disqualification
Attempting to redeem or redeeming WIC food benefits for non-food items (i.e., diapers, wine, cigarettes)	All	Three month disqualification

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Physically abusing the WIC or store staff [An incidence of physical abuse of WIC or store staff/property should be reported to the police]	All	Three month disqualification
Accepting cash or credit from a store in connection with a WIC transaction	1 st	One month disqualification
	2 nd	Two month disqualification
	3 rd	Three month disqualification

ABUSE	NUMBER OF OFFENSES	SANCTION
Class II		
Creating a public nuisance at the Local Agency or the store (i.e., verbally abusing, harassing, or threatening WIC or store staff, destroying store merchandise, or disrupting normal Local Agency or store activities).	1 st	Warning letter
	2 nd	Two month disqualification
	3 rd	Three month disqualification
Attempting to redeem or redeeming WIC food benefits for unauthorized food, formula or food amounts	1 st	Warning letter
	2 nd	Two month disqualification
	3 rd	Three month disqualification
Allowing unauthorized person(s) to use the WIC EBT Card to pick-up and/or redeem WIC food instruments	1 st	Warning letter
	2 nd	Two month disqualification
	3 rd	Three month disqualification
Redeeming WIC food benefits before or after valid spend dates	1 st	Warning letter
	2 nd	One month disqualification
	3 rd	Two month disqualification
Attempting to redeem or redeeming food benefits at unauthorized stores	1 st	Warning letter
	2 nd	One month disqualification
	3 rd	Two month disqualification

- B. To report alleged Program abuse, complete the Complaint Against Participant or Local Agency Form, WIC-345B, and mail it with any supporting documentation to the State WIC Office designated Operations Liaison for review / investigation.

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- C. The State WIC Office designated Operations Liaison will investigate and notify the local agency if abuse was committed.
- D. If abuse is confirmed by the State WIC Office designated Operations Liaison, the local agency shall discuss the abuse with the applicant / participant and issue a warning or disqualification letter, whichever applies.
- 1) The warning letter shall include:
 - a. Participant / applicant's name
 - b. Date and description of abuse
 - c. Correct procedure to follow, and
 - d. Local agency signature, title and date
 - 2) The Disqualification Letter, WIC-393, shall be sent by certified mail or hand delivered, and scanned into the family record in Crossroads.
 - a. Procedures for a fair hearing shall accompany the WIC-393
 - b. A participant shall have fifteen (15) days' notice before being disqualified from the Program
 - 3) Within 30 days of issuance of either letter, the Local Agency shall notify the State WIC Office designated Operations Liaison, to ensure appropriate follow-up action has been taken.
- E. Participants who appeal Program disqualification within fifteen (15) days of the notification date will continue to receive WIC benefits until the hearing decision is made or the certification period expires, whichever comes first.
- 1) If the decision is unfavorable, the participant will be disqualified from the Program for the specified time.
 - 2) Follow Crossroads procedures for suspension of benefits.
- F. Sanction Restrictions for Infants and Children
- 1) An infant or child participant cannot be disqualified if the parent / legal guardian commits abuse. See sanction restrictions for infants and children.
 - 2) The sanction restriction for an infant or child participant does not apply when deliberate misrepresentation to obtain WIC benefits or dual participation is documented.
 - 3) Sanction restrictions for infants and children do not apply to adult participants.
 - 4) When the participant commits a Class I abuse, issue the sanction assigned to the abuse.
 - a. Assign a Caretaker to the infant / child participant.

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- b. Have the participant share their eWIC card with the Caretaker.
 - c. Notify the State WIC Office designated Operations Liaison
- 5) When the participant commits a Class II abuse, issue a warning letter.
- a. If the participant commits more than three (3) abuses in a 12-month period or the abuse results in disqualification from the program, a new participant shall be assigned to the infant or child participant.
 - b. Issue the new participant an eWIC card, provide appropriate education, and document in the participant's record.
 - c. Notify the State WIC Office designated Operations Liaison.

G. Applicant Abuse

- 1) Program abuses and assigned sanctions may also be issued to abusive applicants.
- 2) Issue a Letter of Ineligibility, WIC-315, to abusive applicants.
- 3) Abusive applicants can be denied the right to reapply for a period up to 3 months.

H. Proxy Abuse

- 1) The applicant / participant is responsible for the actions of the proxy(s). In cases of abuse by a proxy, disqualify the proxy and issue a warning letter to the applicant / participant. A new proxy may be named, if requested.

I. Reinstatement of WIC benefits

- 1) A disqualified participant may receive or reapply for WIC benefits at the end of the disqualification period.
- 2) If the certification period has not expired, immediately contact the participant and schedule nutrition education.
- 3) If the certification period expired, recertify the client in Crossroads with new medical data.

J. Mandatory disqualification

- 1) Except as provided in paragraphs (2) and (3) of this section, whenever the State WIC office assesses claims of \$100 or more, dual participation, or a second or subsequent claim of any amount, the State WIC Office shall disqualify the participant for one year.
- 2) Exceptions to mandatory disqualification. The State WIC Office may decide not to impose a mandatory disqualification if:

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- a. Within 30 days of receipt of the letter demanding repayment, full restitution is made
 - b. A repayment schedule is agreed to in writing. or
 - c. In the case of a participant who is an infant, child, or under age 18, the State WIC Office approves the designation of a proxy/caretaker.
- 3) Terminating a mandatory disqualification. The State WIC Office may permit a participant to reapply for the Program before the end of a mandatory disqualification period:
- a. If full restitution is made or a repayment schedule is agreed upon; or
 - b. In the case of a participant who is an infant, child, or under age 18, the State WIC Office approves the designation of a proxy/caretaker.

K. Warnings before sanctions

- 1) The State WIC Office may provide warnings before imposing participant sanctions, except under mandatory disqualification.

L. Fair hearings

- 1) At the time the State WIC Office notifies a participant of a disqualification, the State shall advise the participant of their opportunity to appeal and the procedures to follow to obtain a fair hearing pursuant to CFR 246.9.

M. Referral to law enforcement authorities

- 1) When appropriate, the State WIC Office shall refer vendors, home food delivery contractors, and participants who violate program requirements to Federal, State, or local authorities for prosecution under applicable statutes.