

## When to Ask

You may ask for a fair hearing if you have been denied WIC benefits, disqualified from the WIC program, or asked to repay the WIC program.

If you ask for a fair hearing, you will not be turned down unless:

1. You do not ask for a hearing within **60 days** of being denied, disqualified or asked to repay.
2. You or your representative withdraw your request for a hearing.
3. You or your representative fails, (without a good reason), to show up at the hearing.
4. You were given a decision that was not in your favor and there is no new information that would justify a new hearing.

## Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, 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 with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: [www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request copy of the complaint form, call (866) 632-9992.

Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for  
Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

**This institution is an equal opportunity provider.**

**VirginiaWIC.com**



# FAIR HEARING



## How to Ask



### To get a fair hearing, you must:

1. Call, write or come to the WIC clinic and ask for a hearing, **and**
2. Ask for a hearing within **60 days** from the date you were denied WIC benefits, disqualified from the WIC program or asked to repay.

## WIC Benefits



If you applied for WIC benefits and were turned down, you can ask for a hearing. **Please note:** You will not get WIC benefits while you are waiting for the hearing.

If you are getting WIC benefits and you are disqualified from the WIC program, you can ask for a fair hearing. If you ask for the hearing within **15 days**, you will get WIC benefits until the Hearing Officer makes a decision, your certification period ends or your categorical status changes.

## Before The Hearing

The WIC clinic will meet with you to talk about your concerns. You can cancel your hearing after this meeting. If not, you can still have a hearing.



You may have a representative (friend, relative, lawyer, or other person) help you before and during the hearing. If you hire a lawyer, you must pay the lawyer's fee.

You may ask the WIC clinic for any information that you would like to talk about at the hearing.

A hearing will be held by conference call or, at a place and time that is mutually beneficial in regards to time and place within 3 weeks from the time you ask for it. You will get a letter 10 days before the hearing takes place telling you the place and time of the hearing and/or the call-in information if a teleconference was selected.

## During The Hearing

### You or your representative may:

1. State your position or argument
2. Bring witnesses
3. Turn in information
4. Look at information
5. Ask questions

## After The Hearing

A Hearing Officer will make a decision within 45 days after the initial request for a hearing.

If you are an applicant and the decision is in your favor, you will be enrolled into the WIC program. If the decision is not in your favor, you will not be enrolled into the WIC program.

If the decision is in your favor and you are already in the WIC program, you will get your WIC benefits again. If the decision is not in your favor, you will not get WIC benefits.

If you do not agree with the hearing decision, you can call or write the WIC program. The address and telephone number are on the back of this pamphlet.

