

SECTION: Fair Hearing**SUBJECT: Fair Hearing requests by Applicants or Participants**

Federal Regulations: §246.9**POLICY**

Local agency staff shall assist and not limit nor interfere with an individual's freedom to request a fair hearing.

When a fair hearing is requested, give the individual the Notice of Participant Action form and a copy of the Fair Hearing request form and procedures. If necessary instruct the participant on completion of the form and remind them to mail the request to the State WIC agency within 60 days from the date the form was signed.

Continuation of Benefits

If a participant is notified of ineligibility during a certification period and a fair hearing is requested within the 15 days adverse notice period, the participant shall continue to receive WIC benefits until the fair hearing officer reaches a decision.

Applicants who are denied benefits at initial certification or at a subsequent certification may appeal the denial but shall not receive benefits while awaiting the hearing.