

# WASHINGTON STATE WIC

## POLICY AND PROCEDURE MANUAL



### VOLUME 1, CHAPTER 20

### Notification, Fair Hearings and Civil Rights

This institution is an equal opportunity provider.  
Washington WIC Program doesn't discriminate.

**PUBLIC HEALTH**  
ALWAYS WORKING FOR A SAFER AND  
HEALTHIER WASHINGTON



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**CHAPTER 20      NOTIFICATION, FAIR HEARINGS AND CIVIL RIGHTS**

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**POLICY: Public Notification**

Agencies must notify potentially eligible people about WIC services in their area. Public notification must:

1. Include information about:
  - Program benefits
  - How to apply for WIC
  - Eligibility criteria for participation
  - How to schedule an appointment
  - Clinic location(s)
  - Clinic hours
  - WIC's nondiscrimination policy
2. Be available in languages commonly used by the population in the agency's service area.
3. Inform people that WIC provides services fairly and equally.

**Note:** Outreach is one method of public notification. See Volume 2– Outreach for more information.

For notification purposes, an applicant and client are defined as follows:

1. Applicant – A person who is potentially eligible for the WIC Nutrition Program and is physically present in the clinic for a certification appointment.

**Note:** Someone who calls the clinic to find out about WIC isn't considered an applicant.
2. Client – A person who is currently on the WIC Nutrition Program, or their caregiver.

**PROCEDURE:**

Staff:

- A. Provide a copy of the [Rights and Responsibilities form](#) to all new applicants and clients to inform them about available WIC services.

- B. Display the And Justice For All nondiscrimination poster in all WIC service locations where all applicants and clients can see it. For example, hang the poster in the clinic waiting area or the area where staff issue checks.
- C. Include the nondiscrimination statement in all WIC Nutrition Program materials distributed to the public that explain program eligibility and promote WIC services.
  - 1. Staff don't need to include the short version of the nondiscrimination statement on cups, buttons, magnets, and pens that identify WIC when the size or shape makes it impractical.
- D. Use outreach materials to inform potentially eligible people and the general public about WIC services.
- E. Provide translated materials, when possible, to people who need information in a language other than English.
- F. Must receive training on how applicants and clients may file discrimination complaints.

**POLICY: Inform Applicants and Clients about WIC Services**

Staff must inform applicants and clients about the following at each new certification and recertification:

1. Staff will complete an assessment to determine if the applicant or client is eligible for WIC.
2. The results of the assessment.
  - If the person is eligible, staff inform the person why and the length of the client's eligibility.
  - If the person isn't eligible, staff inform the person why and tell them about the right to a fair hearing.

**Note:** Staff can prevent fair hearings and discrimination complaints by informing applicants and clients about qualification requirements and by treating everyone fairly and equally.

**PROCEDURE:**

Staff:

- A. Inform the applicant or client about the following at each new certification and recertification:
  1. The WIC program bases eligibility on income and categorical eligibility.
  2. The length of eligibility.
  3. The reason the applicant or client is eligible or ineligible based on the client's status including:
    - a. Categorical eligibility.
    - b. Income eligibility.
    - c. Current priorities and ages the agency is serving.
    - d. The right to a Fair Hearing if the person is ineligible.
- B. Inform clients at least 20 calendar days before the end of eligibility that staff will need to reassess for WIC eligibility.

**POLICY: Notify Applicants and Clients about WIC’s Nondiscrimination Policy**

Staff must notify all applicants and clients in writing of the Washington State WIC Nutrition Program’s nondiscrimination policy.

Program documents produced by the local agency that include information about WIC eligibility and promote WIC services must include the Washington State WIC Nutrition Program nondiscrimination statement.

Staff don’t need to include the short version of the nondiscrimination statement on cups, buttons, magnets, and pens that identify WIC when the size or shape makes it impractical.

Following is the Washington State WIC Nutrition Program’s nondiscrimination statement:

**Washington WIC doesn’t discriminate.**

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA’s TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant’s name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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; or



2. **fax:**  
(833) 256-1665 or (202) 690-7442; or
3. **email:**  
[program.intake@usda.gov](mailto:program.intake@usda.gov)

This institution is an equal opportunity provider.  
Washington WIC doesn't discriminate.

Best practice is to include the full nondiscrimination statement listed above. When space on the material is limited, staff may include the following statement to fulfill the nondiscrimination notice requirement.

This institution is an equal opportunity provider.  
Washington WIC doesn't discriminate.

Staff make sure the print size of the shorter version of the nondiscrimination statement isn't smaller than other text on the material.

## PROCEDURE:

Staff:

- A. Include the nondiscrimination statement on all materials that include information about WIC eligibility. These include:

- Application forms
- Outreach materials
- Media campaigns, for example public service announcements (PSA's) and bus signs.

**Note:** State WIC staff must pre-approve all media campaigns.

- Letters used for notifying applicants and clients of ineligibility and termination

**Note:** Staff can:

1. Provide an insert that includes the nondiscrimination statement with a material that requires but doesn't include the nondiscrimination statement.
2. Deplete supplies of documents that have a previous nondiscrimination statement. When these materials and publications run out of stock, staff add the current

nondiscrimination statement before reprinting.

3. Include the short statement in media campaigns as generally they are short in duration (PSA's) or space is limited.
- B. Have applicants and clients read, or read to them, the [WIC Rights and Responsibilities form](#). It includes the nondiscrimination statement and information about how to file a complaint.
  - C. Include the nondiscrimination statement in agency brochures that contain information about the local WIC Nutrition Program.
  - D. Hang the And Justice For All nondiscrimination poster in all WIC service locations where all applicants and clients can see it. For example, hang the poster in the clinic waiting area or the area where staff issue checks.

**Information:**

The purpose of the WIC Nutrition Program is to provide benefits specifically to pregnant, breastfeeding, and postpartum women; infants; and children under age five. Determination of eligibility according to age and gender is not a violation of civil rights laws according to Section 17 of the Child Nutrition Act of 1966.

**POLICY: Notify Applicants and Clients about their Right to a Fair Hearing**

Staff must inform all applicants and clients about their right to a fair hearing:

1. At each new certification (includes presume eligible and enroll infant) and recertification
2. When taking clients off the program or finding them ineligible
3. If clients ask for a fair hearing

**Note:** State staff provide fair hearing information when asking clients to pay money back or disqualifying clients for breaking program rules.

Local agencies must include the following Fair Hearing statement on all notification letters created or modified by the agency:

**“You have the right to a Fair Hearing**

If you’re taken off WIC and you think this is unfair, ask for a Fair Hearing. Your WIC staff will help you get a Fair Hearing or you can call the state WIC office at 1-800-841-1410. At the Fair Hearing you, your friend or a relative can tell your side of the story. You must ask for the Fair Hearing within 60 days of this letter.”

**PROCEDURE:**

Staff:

- A. Have all applicants and clients read, or read to them, the [Rights and Responsibilities form](#). This informs them about their right to a fair hearing.
- B. Offer to explain information on the Rights and Responsibilities form. Answer questions, and then ask the person to sign the form.
- C. Give the appropriate notification letter that includes fair hearing information. The appropriate notification letter for:
  1. Applicants and clients that staff determine ineligible is the [Not Eligible \(Termination\) letter](#).
  2. Clients who miss an appointment and don’t reschedule is the [We Missed You letter](#).
- D. Give [Fair Hearing Brochures](#) to applicants and clients who:
  1. Feel they were unfairly denied services.
  2. Ask for the brochure.

**POLICY: Reasons Staff Take Clients off WIC**

Staff take clients off WIC for the following reasons:

1. Over income
2. Not meeting the age or federal priority the clinic is serving when funding is limited
3. Categorical ineligibility
4. Non-participation
5. Transfer to another WIC clinic

**Note:** These clients are transferring WIC services to another location. They aren't denied services. Staff terminate the client's record in the clinic they are leaving to clearly show the client's participation in only one clinic.

6. Client asks to be taken off the program

State staff will notify clinic staff when a client is disqualified or is taken off WIC for breaking program rules such as dual participation or program abuse.

**PROCEDURE:**

Staff:

- A. Determine when clients aren't eligible for WIC based on the following reasons:

1. Over income
  - See [Volume 1, Chapter 6 – Income](#), for more information.
2. Not meeting the age or federal priority the clinic is serving when funding is limited.
  - Clinics may need to limit the age or priority served due to limited funding. In these cases, serve clients through the end of their eligibility period.
  - See [Volume 1, Chapter 5 – Priority System and Waiting Lists](#) for more information.

**Note:** As of 2000, USDA expects all states to provide services to all eligible WIC clients. However, it is always possible that funding or government shutdown could require limitations on clients for example limiting age or priorities served.

3. Categorical ineligibility

Examples include:

- a. Children who turn five years of age. The child is eligible to receive checks until the end of the month of their fifth birthday.
- b. Non-breastfeeding postpartum women at the end of sixth months postpartum.
- c. Breastfeeding women at the end of the month when their infant turns one year old. If a woman stops breastfeeding before the infant's first birthday, staff assess if she is categorically eligible according to the following:
  - If the woman stops breastfeeding before six months postpartum she is eligible as a non-breastfeeding postpartum woman.
  - If the woman does some breastfeeding (at least one time per day) after six months postpartum and chooses to get more than one-half an infant formula package, she is categorically eligible as a breastfeeding woman and can't receive a food package for herself.
  - If the woman stops breastfeeding (doesn't breastfeed at least one time per day) after six months postpartum, she is ineligible.

See [Volume 1, Chapter 23 – WIC Foods](#) for more information about WIC food packages by category.

4. Non-participation

When a client doesn't reschedule a missed appointment within 20 calendar days of the We Missed You letter date, staff must take the client off WIC.

**Note:** Terminating the client's record helps with accuracy of participation reports. It is important to terminate the client's record after 20 calendar days of the We Missed You letter and before the end of the month. This prevents the client from being included in the non-participation rate and keeps the client's name from appearing on the No Activity report the following month.

If a client asks to schedule their missed appointment after the 20 calendar days, staff either:

- a. Reinstate the client if within the current eligibility period.

- b. Recertify the client if the certification period has ended.
5. Transfer to another WIC clinic
  - a. When the client asks to transfer to another location, whether within Washington or a different state, staff give transfer documentation and terminate the client's record at their local agency. Once the client transfers to the new clinic, the person can continue receiving WIC benefits.
  - b. Staff don't give the Not Eligible (Termination) letter to the client since the client isn't denied services.
    - See [Volume 1, Chapter 21 - Transfers/Verification of Certification](#), for more information.
6. Client asks to be taken off the program.

**POLICY: Not Eligible (Termination) Letter**

Staff must provide the [Not Eligible \(Termination\) letter](#) to applicants who don't qualify for WIC and to clients they take off WIC for one of the following reasons:

1. Over income
2. Not meeting the age or federal priority the clinic is serving when funding is limited
3. Categorical ineligibility
4. Client asks to be taken off the program
5. Non-participation

**Note:** The We Missed You letter takes the place of the Not Eligible letter for clients terminated due to non-participation.

Staff must inform applicants and clients in writing about:

- The reason the person isn't eligible for WIC or the reason staff are taking the person off the program.
- The right to a fair hearing.

**Note:** When staff provide the Not Eligible letter to applicants or clients, they don't need to give a separate Fair Hearing Brochure unless the person asks for one or wants more information.

For sensitive situations, staff have the option to not give written notice of the termination reason. These situations include, but are not limited to, miscarriage and death of a child. Staff must document the termination reason in client's record and indicate they didn't provide the letter because of the sensitive situation.

**Note:** State WIC staff will notify clinic staff when disqualifying a client or taking a client off WIC for breaking program rules. State WIC staff send the Not Eligible (Termination) letter to the client.

For more information about program rules, see [Volume 1, Chapter 2 – Program Compliance](#).

**PROCEDURE:**

Staff:

- A. Inform applicants of their ineligibility at initial screening.

1. If the applicant is at the clinic, explain ineligibility reasons and provide the Not Eligible (Termination) letter.
    - Share information about the Family Health Hotline in case the person would like to find out about other programs.
  2. If the applicant is on phone, explain ineligibility reasons. Staff don't have to provide the Not Eligible (Termination) letter.
    - Share information about the Family Health Hotline in case the person would like to find out about other programs.
- B. Inform clients of their ineligibility or reason why staff are removing them from WIC. Notify:
1. Clients of their ineligibility during the recertification appointment.
  2. Clients at any time during the eligibility period.
- C. Document the termination reason on the Not Eligible (Termination) letter.
- D. Give or mail the Not Eligible (Termination) letter in the applicant's or client's language, if available.
- Note:** Not Eligible (Termination) letters include the following, required information:
1. Date
  2. Agency name
  3. Clinic phone number
  4. Client's name
  5. Date staff determine the person ineligible or the date the client will stop receiving WIC benefits
  6. Ineligibility or termination reason
- E. Document in the client's file the date staff provided or sent the letter.
- When staff print the Not Eligible (Termination) letter using Client Services, the required information is automatically documented in the client's file.



- When staff print the Not Eligible (Termination) letter from the state WIC website, staff must keep a copy of the Not Eligible letter on file for four years, or document in the client’s file:
  1. The ineligibility reason or termination reason
  2. The date the person is no longer eligible for WIC
  3. The date staff provided the letter
- F. Let applicants and clients know about other community resources like food assistance, as appropriate.
- G. Document in the client’s file if a mailed letter is returned as “undeliverable”.

**Information:**

- The [Not Eligible \(Termination\) letter](#) is available in Arabic, Burmese, Chinese, English, Korean, Russian, Somali, Spanish, and Vietnamese from the state WIC website.
- The Not Eligible (Termination) letter is only available in English from Client Services.
- Staff don’t need to give a “Not Eligible” (Termination) letter to clients transferring out of the clinic. These clients are transferring WIC services to another location. They aren’t denied services.
- See [Volume 1, Chapter 21 - Transfers/Verification of Certification](#), for more information.

**POLICY: We Missed You Letter**

Staff must send the [We Missed You letter](#) to:

1. Pregnant women within 15 calendar days of their initial missed appointment.
2. All clients within 20 calendar days of their missed appointment.
  - See [Volume 1, Chapter 3 – Application and Processing Standards](#) for more information.

Staff send the letter in a timely manner that allows the client to reschedule their appointment and pick up checks for the current month.

Staff allow the client 20 calendar days from the date of the “We Missed You” letter to respond before removing the client from the program.

Staff must reschedule the client’s appointment if the client calls within the 20 calendar day time frame.

**PROCEDURE:**

Staff:

- A. Print the We Missed You letter from Client Services or from the state WIC website in the client’s language, if available.
  - The letter is available in English and Spanish from Client Services.
  - The letter is available in Arabic, Burmese, Chinese, English, Korean, Russian, Somali, Spanish, and Vietnamese from the state WIC website.
  - If the letter isn’t available in the client’s language:
    1. Have a translator read the letter to the client when the client is in the clinic.
    2. Send the English letter to the client and make a note in the client’s file
- B. Ensure the following is included on the We Missed You letter:
  1. Client’s name.
  2. Date of the missed appointment.

3. Type of appointment missed.
  4. Clinic phone number.
  5. Staff signature (optional).
  6. Date of the letter
- C. Document staff printed and mailed the letter to the client.
- When staff print the letter using Client Services, the date the letter was generated is documented in the client's file.
  - When staff print the letter from the state WIC website, staff:
    1. Write the following on the letter:
      - Date of the letter
      - Client's name
      - Agency name and phone number
      - Staff signature (optional)
    2. Document in the client's file the date staff mail the letter.
- Note:** Staff don't need to send the We Missed You letter if the client contacts the clinic to reschedule before it's mailed.
- D. Give clients time to respond before terminating the client's file. Staff must allow 20 calendar days for clients to respond and reschedule the missed appointment before taking them off WIC.
- The We Missed You letter for pregnant women who miss their initial appointment allows the woman the 15 calendar days required by federal regulation plus 5 calendar days for mail delivery.
- E. If the client contacts WIC after the 20 calendar day timeframe, staff:
- Reinstate or transfer-in the client if the client contacts the clinic within the current eligibility period.
  - Recertify the client if the eligibility period has ended.
  - See [Volume 1, Chapter 3 – Application and Processing Standards](#) for more information.

**Information:**

The fair hearing statement is included in the We Missed You letter. Staff don't need to provide a separate Fair Hearing Brochure unless the client asks for one or wants more information.

Client Services will print:

- The We Missed You letter in Spanish if staff documented "Spanish" in the client's file under the "Language for Written Materials" field of the Demographics tab.
- A We Missed You letter for pregnant women who miss their first appointment.

**POLICY: Provide 20-Day Notification of Upcoming Ineligibility or Termination**

Staff must notify clients at least 20 calendar days before the client's eligibility ends and the client will stop getting WIC services.

**PROCEDURE:**

Staff:

- A. Notify the client at least 20 calendar days before stopping WIC services.
1. Staff use the [Not Eligible \(Termination\) letter](#) to notify clients before they become categorically ineligible for WIC.

Best practice is to provide the letter when the client is picking up the last set of checks. Examples of categorically ineligible include a child turning age 5 and a breastfeeding woman past 1 year postpartum.

2. Staff verbally inform clients at least 20 calendar days before the end of the client's eligibility.
  - Best practice is to inform clients one to two months in advance.
  - Staff document in the client's file when they provide verbal notice.

For example, staff provide verbal notification when scheduling the client's recertification appointment. Staff document they provided verbal notification.

- If the client attends the recertification appointment and staff determine the client ineligible, staff met the 20 day notification requirement. Best practice is for staff to also provide the Not Eligible (Termination) letter.
- If the client fails to show for the recertification appointment and the client's eligibility has ended, staff met the 20 day notification requirement.

**Note:** State WIC staff notify clients and clinic staff at least 20 calendar days before disqualifying a client for breaking program rules.

3. Staff use the [We Missed You letter](#) to notify clients who miss their appointment.
  - The letter includes information that lets the client know that if they don't respond within 20 calendar days, staff may remove the client from the program. Staff don't have to send the Not Eligible (Termination) letter if the client doesn't respond to the We Missed You letter.

- See the We Missed You policy in this chapter.
- B. Let clients know about their right to a fair hearing.
1. The fair hearing statement is included on the Not Eligible (Termination) and We Missed You letters.
  2. The [Fair Hearing brochure](#) is included with the termination letter sent from the state WIC office when a client is disqualified.
  3. Give the Fair Hearing brochure to any client who asks for it.

**POLICY: Fair Hearings**

Staff must give written notification of the right to a fair hearing to all applicants and clients. Staff do this by using the:

- [Rights and Responsibilities form](#)
- Fair hearing statement on client notification letters
- [Fair Hearing brochure](#), when requested.

Any applicant or client can ask for a fair hearing when they are:

1. Determined ineligible
2. Terminated
3. Disqualified
4. Asked to repay the program for benefits received

Staff must help applicants and clients apply for a fair hearing, when asked.

- If a person requests a fair hearing, or is angry, refer the person to the clinic coordinator. State WIC staff can also help.

The applicant or client must ask for the fair hearing within 60 calendar days of the date of the Not Eligible (Termination) notification letter.

Staff can issue WIC checks to the client during the fair hearing process if:

- The client asked for the fair hearing within 15 calendar days of the date of the Not Eligible (Termination) notification letter.
- Has current eligibility.

Staff can issue checks until the client's eligibility expires or until the hearing outcome is determined, whichever happens first

**PROCEDURE:**

Staff:

- A. Inform all applicants and clients about their right to a fair hearing by asking the person to read the Rights and Responsibilities form, or by reading the form to the person.
- B. Ask applicants and clients what questions they have about the Rights and Responsibilities form, and answer the questions.

- C. Offer a copy of the Rights and Responsibilities form to all applicants and clients at the first certification and recertification.
- See [Volume 1, Chapter 7 – Rights and Responsibilities](#) for more information.
- D. Give a copy of the Fair Hearing brochure to applicants and clients, when requested.
- E. Ask applicants and clients to talk with the clinic coordinator before applying for the fair hearing.
- The person might choose not to apply for a fair hearing if they have a better understanding about why staff determined the person ineligible.
  - Give the person the state WIC phone number if the person would like to talk with state staff about the situation.
- F. Help applicants and clients request a fair hearing.
1. Let the person know they can ask for a fair hearing by calling the state WIC office at 1-800-841-1410, or by writing to the Department of Health, Adjudicative Service Unit, PO Box 47879, Olympia, WA 98504-7879.
  2. Offer to help the person write the request and send it to the Department of Health, Adjudicative Service Unit.
  3. Assist state WIC staff with fair hearing requests.
- G. Determine if the person is eligible for benefits during the fair hearing process.
1. Staff can issue WIC checks to the client during the fair hearing process if:
    - The client asked for the fair hearing within 15 calendar days of the date of the Not Eligible (Termination) notification letter.
    - Has current eligibility.
    - Staff can issue checks until the client’s eligibility expires or until the fair hearing outcome is determined, whichever happens first.
  2. Staff can’t issue WIC checks to:
    - An applicant or client found ineligible during a new certification.



- A client found ineligible at a recertification.
- Applicants or clients who request a fair hearing after 15 calendar days of the date of the Not Eligible (Termination) notification letter.

H. State WIC staff will notify the clinic coordinator about the outcome of the fair hearing.

1. If the decision is in favor of the client and WIC checks were stopped, staff resume check issuance.

a. Retroactive benefits aren't allowed. Staff can't issue WIC checks for the past months.

For example: A client wasn't able to receive checks in May. In June, staff resume check issuance based on the fair hearing outcome. Staff will issue checks for June, but can't issue checks for May.

2. If the decision isn't in favor of the client:

a. The client is terminated from the program.

- The state WIC staff will notify the clinic coordinator about the decision and instruct staff to terminate the client from the program

b. The state WIC staff starts or continues the process to collect repayment if the client received or used benefits improperly.

I. Document the following information in the client's file:

1. Date the person requested the fair hearing.

2. Client eligibility or ineligibility to receive checks during the fair hearing process.

3. Information provided to the applicant, client, state WIC staff or the Adjudicative Unit staff.

4. The date and outcome of the fair hearing.

J. Have the person sign the [Cancellation of Fair Hearing Request Form](#) if the person wants to withdraw the fair hearing request.

1. Help the applicant or client fill out the Cancellation of Fair Hearing Form, when asked.

2. Send a copy of the Cancellation of Fair Hearing Form to the Adjudicative Service Unit.
  - See the Cancellation of Fair Hearing Request Form in the Appendix.

**Information:**

Staff can:

- Order the [Fair Hearing brochure](#) through the state ordering process or print it from the state WIC website.
- Copy the [Cancellation of a Fair Hearing form](#) located in the Appendix of this chapter.

**POLICY: Protecting Applicants' and Clients' Civil Rights**

Staff must protect the civil rights of applicants and clients.

**PROCEDURE:**

Staff:

- A. Don't deny services unfairly, delay people from receiving services, or treat people differently from others because of their race, color, national origin, sex, age, or disability.
- Race, color, national origin, sex, age, and disability are considered the six protected bases.

**Note:** Section 17 of the Child Nutrition Act of 1966, as amended, defines the purpose of the WIC Program to provide benefits specifically to pregnant, breastfeeding, and postpartum women; infants; and children under age five. Therefore, eligibility determination according to age and gender is not in itself a violation of civil rights laws.

- B. Refer applicants or clients who feel they have been discriminated against because of their religious beliefs or sexual orientation to the Washington State Human Rights Commission at 1-800-233-3247 or <http://www.hum.wa.gov>.
- C. Treat all applicants and clients the same, without any difference in quality, quantity, or manner in which they provide WIC services.
- D. Issue WIC checks in a place, time, or manner that doesn't result in, and doesn't have the effect of, denying or limiting benefits on the basis of race, color, national origin, sex, age, or disability.
- E. Provide WIC services without segregating persons in clinic waiting rooms or through appointment systems.
- a. Some clinics may schedule appointments for certain client types on certain days. For example, clinics may schedule appointments for pregnant women on days when MSS staff are on-site. While this is an allowable and reasonable practice, staff can't require a pregnant woman who needs WIC services to only receive services on that day.
- F. Apply the same eligibility criteria to all applicants and clients who apply for WIC services.
- G. Keep a waiting list which makes no distinctions on the basis of race, color, national origin, sex, religion, age, or disability.

- H. Provide reasonable accommodation for the disabled.
- I. Provide services for applicants, clients or their caregiver in their language when needed and appropriate.

**POLICY: Clinic Civil Rights Requirements**

The WIC Coordinator must:

- Ensure all staff receive an annual Civil Rights in-service.
- Serve as the clinic's Civil Rights Specialist, or designate someone.

**PROCEDURE:**

The Civil Rights Specialist:

- A. Provides the annual civil rights in-service. This includes reviewing the following information in the Washington State WIC Manual:
1. Protection of applicants' and clients' civil rights
  2. Public notification
  3. Fair hearing requests and procedures
  4. Discrimination complaint procedures
  5. Racial-ethnic reporting, including how and when to collect the information
- B. Documents in the clinic in-service file:
1. Names of staff in attendance
  2. Date of in-service
  3. Brief summary of the information provided
- C. Keeps a secure file of the clinic's Civil Rights complaints.

**Information:**

The ["Protecting Our Clients' Rights" Civil Rights module](#) on the state WIC website helps local WIC staff fulfill their annual Civil Rights training requirements.

- The clinic's Civil Rights Coordinators can use the materials in a group setting or have staff review the materials independently.
- The learning assessment provides the opportunity for the Civil Rights Coordinator to evaluate staff's knowledge about the information included in the module.

- The module and PowerPoint presentation include the same information and can be used independently or together depending on staffs' learning styles.

**POLICY: Discrimination Complaint Procedure**

Staff must accept all discrimination complaints, including verbal, written or anonymous.

Discrimination happens when individuals are:

1. Denied services unfairly
2. Delayed from receiving services
3. Treated differently from others because of their race, color, national origin, sex, age, or disability.

The person has the right to file a discrimination complaint within 180 calendar days of the alleged discriminatory action. Under special circumstances the USDA Office of Civil Rights (OCR) has the option to extend this time limit.

Staff must:

1. Make sure the complaint is handled properly and promptly.
2. Report all discrimination complaints to USDA within 5 calendar days of receiving it.
  - Discrimination complaints involve race, color, national origin, gender, age or disability.
  - Staff don't determine if a complaint is valid.
  - If the person doesn't want staff's help in reporting the discrimination complaint, staff offer information about how the person can file it on their own.
3. Notify the Civil Rights Coordinator at the state WIC office about the reported complaint.
4. Handle discrimination complaints confidentially and without retaliation against the person.

**Note:** The clinic Civil Rights Specialist has the additional responsibility to log the complaint and keep a copy in a secure location.

**PROCEDURE:**

Staff:

- A. Offer assistance to report a discrimination complaint.

- B. Submit the discrimination complaint to USDA within 5 calendar days of receiving the complaint. Staff:
1. Assist the client in submitting the complaint when requested.
  2. Use the Civil Rights Discrimination Complaint form, available in the appendix of this chapter or use the one available online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html).
  3. Make three copies of the completed form.
    - Don't keep a copy of the complaint in the client's file in order to maintain the client's confidentiality while receiving WIC services.
  4. Mail the original, signed form to USDA.

U.S. Department of Agriculture  
Director, Office of Adjudication  
1400 Independence Avenue, SW  
Washington, DC 20250-9410
  5. Provide a copy of the form to the person filing the complaint.
  6. Mail a copy of the form to the state Civil Rights Coordinator.

ATTN: Civil Rights Coordinator  
Washington State Department of Health, WIC Nutrition Program  
P.O. Box 47886  
Olympia, Washington, 98504-7886.
  7. Provide a copy of the form to the clinic Civil Rights Specialist. The clinic Civil Rights Specialist logs the complaint and keeps the copy in a secure location.
- Note:** Unless directed to do so by USDA, staff don't discuss the complaint or send complaint information to any parties other than those listed above.
- C. Protect the person's confidentiality and don't retaliate against the person for making the complaint.
- D. Don't investigate the discrimination or civil rights complaint unless directed to do so by USDA or the state WIC office.



- E. Participate in corrective action plans for resolving civil rights complaints as directed by state WIC staff.
- F. Inform the person about alternative options for submitting a discrimination complaint, if the person doesn't want staff's assistance in filing it. The person can do any of the following within 180 days of the alleged incident:
1. Complete a discrimination complaint form, available online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html).
  2. Write a letter instead of using the discrimination complaint form. The letter must be signed by the person or their authorized representative and include:
    - a. Name, address, and phone number of the person filing the complaint.
    - b. Location and name of agency.
    - c. Nature of the incident or action.
    - d. Basis for the discrimination complaint.
    - e. Name, title, and clinic address of people with knowledge of the incident.
    - f. Date(s) the alleged incident occurred.
  3. Contact USDA's TARGET Center at (202) 720-2600 (voice and TDD) if the person has disabilities that require them to have alternative means for communication like Braille, large print, and audio-tape.
  4. Call the USDA Office of Assistant Secretary for Civil Rights, Information Research Service:
    - (866) 632-9992 (Toll-free Customer Service)
    - (800) 877-8339 (Local or Federal relay, English)
    - (800) 845-6136 (Local or Federal relay, Spanish)
    - (866) 377-8642 (Relay voice users)
  5. Speak with the Civil Rights Coordinator at the state WIC office. The Civil Rights Coordinator acts on the person's behalf and documents the complaint.
    - a. The Civil Rights Coordinator at the state WIC office will inform the clinic Civil Rights Coordinator of the received alleged discrimination complaint and notify about any required action.

6. File an anonymous discrimination complaint.
- Staff collect and submit enough information to help determine the identity of the agency and the incident. Staff don't collect and submit information about the identity of the person making the complaint.
  - If the complaint is in reference to other agencies within or outside Washington State, staff follow the same procedures for writing and submitting the complaint.
- G. Provide information about how to submit completed complaint forms or letters by mail, fax, or email.

Mail:

U.S. Department of Agriculture  
Director, Office of Adjudication  
1400 Independence Avenue, SW  
Washington, DC 20250-9410

Fax: (202) 690-7442

E-mail:

[program.intake@usda.gov](mailto:program.intake@usda.gov)

**A P P E N D I X**



Cancellation of Fair Hearing Request Form

**TO:** Department of Health  
Adjudicative Service Unit  
PO Box 47879  
Olympia, WA 98504-7879

**FROM:**

\_\_\_\_\_  
Client Name

\_\_\_\_\_  
Address  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Phone

**SUBJECT:** Request of Cancellation of Fair Hearing

Please withdraw my request for a fair hearing dated \_\_\_\_\_.

I am withdrawing my request because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for your attention to this matter.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



**CIVIL RIGHTS DISCRIMINATION COMPLAINT FORM**  
(Refer to Washington State WIC Policy and Procedure Manual, Chapter 20)

Complete the information below and submit to:

<p>B. Send the original, signed form to:</p> <p>U.S. Department of Agriculture Director, Office of Adjudication 1400 Independence Avenue, S.W. Washington, D.C. 20250-9410</p>	<p>B. Send a copy to Civil Rights Coordinator at the state WIC office:</p> <p>Attn: Civil Rights Coordinator Washington State Department of Health WIC Nutrition Program P.O. Box 47886 Olympia, WA 98504-7886</p>
<p>C. Give or send a copy to the client.</p>	<p>D. Give a copy to the clinic Civil Rights Specialist to keep in a secure, confidential location in the clinic.</p>

1. Name (may be anonymous): \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

2. Agency Name and Location: \_\_\_\_\_

\_\_\_\_\_

3. Nature of the incident or action: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Date(s) of alleged incident: \_\_\_\_\_

5. Basis on which complaint is filed:

Race

Color

Sex

Age

Disability

National Origin

6. Person(s) with knowledge of the incident: (include name, business address, title)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_