



Fair Hearing Brochure

Washington State
Supplemental Nutrition Program
For Women, Infants and Children (WIC)

What is a Fair Hearing?

A fair hearing is a legal hearing. In a fair hearing you tell your story to a judge. The judge is not from the WIC program. The judge decides if the WIC program has treated you fairly.

What are the reasons to ask for a fair hearing?

You may ask for a fair hearing if WIC:

- Says you are not eligible for the program for any reason and you think they are wrong.
- Is taking you off the program and you think this is unfair.
- Is asking you to pay money back to the program.

How do I ask for a fair hearing?

You fill out a Fair Hearing Request Form or write a letter and send it to this address:

Department of Health
Adjudicative Service Unit
P. O. Box 47879
Olympia, WA 98504-7879

In the letter you must give your name, your address, the name of the WIC clinic and the reason you want a fair hearing. Please let us know if you need an interpreter.

Is there a time limit to ask for a fair hearing?

Yes. You have 60 days from the date of the letter saying you are not eligible for WIC, are being taken off WIC, or that you have to pay money back to the program to ask for a fair hearing.

Will I still get WIC food benefits?

You may get WIC food benefits if you are still in the time period you qualified for WIC and you ask for a fair hearing within 15 days of the date of the letter saying you are being taken off the WIC program.

You will not get food benefits if the time period for which you qualified has ended.

You will not get food benefits if you do not ask for a fair hearing within 15 days of the date of the letter saying you are being taken off the WIC program.

What are my rights if I ask for fair hearing?

- The hearing must be held within 21 days from the date your request for a fair hearing is received.
- The notice for the hearing must come to you at least 10 days before the hearing.
- The hearing must take place close to where you live.
- You may bring other people to help you; including legal aid.
- You and those who help you may look at the records the WIC program will present at the hearing.

What if I am not able to go to the fair hearing?

You must let the hearing judge know ahead of time if you will not be able to go to the hearing. A new hearing date will be set.

What happens at the fair hearing?

- The judge conducts the fair hearing.
- The judge listens to what you and the WIC staff have to say. The judge makes sure you are treated with fairness.
- You can ask questions and present information, witnesses or other evidence.
- You can explain why you think you or your child should qualify for WIC, why you should be able to stay on the program, or why you should not have to pay money back to the program.
- The judge decides whether you should qualify for WIC or be able to stay on the program, or if you have to pay money back to the WIC program, based on the evidence.
- The judge must give a decision in writing within 45 days from the time you ask for the hearing. You will receive the judge's decision letter in the mail. The decision letter will include a notice called a Petition for Review.

What if I disagree with the judge's decision?

You can ask the Secretary of the Department of Health to review the decision.

To appeal the decision, fill out the Petition for Review and mail it to the Department of Health, Adjudicative Service Unit. You must do this within 15 days of the date of the decision letter.

The Secretary of the Department of Health will change the decision if:

- There are errors in the law.
- The hearing was not carried out properly.
- The judge did not give clear directions.
- There was not enough evidence to justify the decision.

You have the right to have a court review the Secretary's decision. The Secretary's written decision will include directions on how to ask for a court review.

Call your local WIC clinic or the state WIC office if you have any questions about fair hearings. The state office toll-free number is 1-800-841-1410.

The fair hearing procedures are based on Section 7CFR 246.9 of the Federal WIC Program Regulations and the Washington Administrative Code 246-10 and 246-08-520.



**Division of Prevention and Community Health
Office of Nutrition Services
Washington WIC Program**

Washington WIC doesn't discriminate.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and 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: [How to File a Complaint](#), 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 a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

Mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

Email: program.intake@usda.gov

Fax: (202) 690-7442

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To request this document in another format, call 1-800-841-1410. Deaf or hard of hearing customers, please call 711 (Washington Relay) or email WIC@doh.wa.gov.



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