

<p style="text-align: center;">Nutrition Services Department of State Health Services</p>

Effective January 1, 2011

Policy No. CS:23.0

Notification of Ineligibility, Termination or Expiration of Eligibility

Purpose

To ensure applicants and participants are informed of the reasons for ineligibility or termination and clearly understand their right to a fair hearing to appeal such a determination. To ensure participants are informed of the expiration date of their certification and the ability to reapply to continue receiving benefits if categorically eligible.

Authority

7 CFR Part 246.7

Policy

A person found ineligible for the program shall be notified in writing of the reason(s) for the ineligibility and of the right to a fair hearing. Local agencies (LAs) shall use the Notice of Ineligibility or Termination form (WIC-5) to document an applicant's or participant's ineligibility or termination from the program. A participant found ineligible shall keep their EBT card.

A participant who is approaching the end of WIC Program eligibility due to termination or expiration of his/her certification period shall receive notification at least 15 days prior to the end of the certification.

Definitions

Ineligible means an individual does not qualify for WIC at either initial or subsequent certification because:

- a. there is no documented condition of nutritional need (infants up to three months of age),
- b. the person's household income exceeds standards,

<p style="text-align: center;">Nutrition Services Department of State Health Services</p>

Effective January 1, 2011

Policy No. CS:23.0

- c. the person does not live within Texas,
- d. the child is five years or older,
- e. the person does not meet categorical requirements; or
- f. the person has not met the physical presence requirement.

Procedures

I. Notification of Ineligibility at Initial and Subsequent Certifications

A. When ineligibility is determined during the certification visit, the applicant or parent/guardian/caregiver shall be notified in writing at that time. Documentation of such notification shall be maintained as follows:

1. Notification of ineligibility at an initial or subsequent certification visit shall be documented on the WIC-5, Notice of Ineligibility or Termination
2. Any active participant, belonging to the household determined income or residency ineligible, shall be issued one final set of benefits (to ensure he/she is receiving a 15 day notification) before termination (see II. Notification of Termination)

Example: Child's certification period 11/20/xx through 4/30/XX. On January 10th, mom applies as a pregnant woman but is determined income ineligible. In order to provide the parent 15 days of notification before termination, the child is entitled to benefits through January 25th. Since the child's benefits are valid from January 1st to January 31st, this is considered to be the last issuance for which the child is eligible.

To determine if an active participant is entitled to additional benefits, add 15 days to the date income ineligibility was determined for the applicant. If the active participant does not have benefits on the card that day, issue a single month's benefits before terminating the

<p style="text-align: center;">Nutrition Services Department of State Health Services</p>

Effective January 1, 2011

Policy No. CS:23.0

participant. If the participant has benefits on that day, do not issue additional benefits. If the participant has benefits past the 15 days notification period staff shall void the benefits.

- B. When ineligibility is determined after the certification visit, and the applicant or parent/guardian/caregiver is not physically present, notification of ineligibility shall be mailed.
 - 1. Notification of ineligibility shall be identified on the WIC-5 form and be mailed to the applicant or parent/guardian/caregiver
 - 2. LAs shall retain a copy of the WIC-5 with a notation that the form was mailed and the date it was mailed; i.e., write "mailed" in lieu of the applicant's signature. Documentation that supports the decision regarding applicant ineligibility shall be kept on file.
 - 3. Any active participant, belonging to the household and determined income ineligible, shall be issued one final set of benefits to ensure he or she is receiving a 15-day notice before termination. (See example under I. A. 2.)

In situations where the participant has future month's benefits on the WIC Lone Star card, the parent shall be informed the card will be inactivated the month following the last set of benefits (15 day rule). LA staff shall call the Information and Response (IRM) to place a future month administrative lock on the card.

II. Notification of Termination for Active Participants

- A. A 15-day written notice shall be provided if a participant is terminated within a certification period for the following reasons:
 - 1. program abuse (includes dual participation);
 - 2. caseload management/funding shortage; and

<p style="text-align: center;">Nutrition Services Department of State Health Services</p>

Effective January 1, 2011

Policy No. CS:23.0

3. exceeds income guidelines due to a reassessment.
- B Document the date of notification on the Notification of Ineligibility or Termination form (WIC-5); the documented date shall be at least 15 days before the "Action Date" of termination in the WIN system.
1. Instruct the participant/parent/guardian/caregiver to sign and date the WIC-5 if physically present at the clinic when notice and reason(s) for termination are given.
 2. If the participant is not physically present, use form WIC-5 to send notification by mail. The LAs shall retain a copy of the WIC-5 with a notation that the form was mailed and the date it was mailed; i.e., write "mailed" in lieu of the applicant's signature. Documentation that supports the decision regarding applicant ineligibility shall be kept on file.
 3. Participants found to exceed the income standard during an active certification, due to a reassessment of their income eligibility, shall be issued one final full set of food benefits, to ensure he or she is receiving a 15 day notification before termination. (See example under I.A.2).
 4. The active participant(s) shall be terminated in the WIN system. The termination date will be recorded as the first day of the following month after the "Last Date To Spend." A participant terminated in the WIN system cannot be reactivated without recertification/subsequent certification.
- III For applicants found income ineligible, LAs shall retain the following forms/documents on file:
- A. WIC-35, Family Certification/WIC Program Screening Form (completion of side 2 is required),
 - B. WIC-35-3, WIC Income Questionnaire,
 - C. documents provided as proof of income, and
 - D. WIC-5, WIC Notification of Ineligibility or Termination

<p style="text-align: center;">Nutrition Services Department of State Health Services</p>

Effective January 1, 2011

Policy No. CS:23.0

IV. Notification of Certification Expiration

Notification of certification expiration shall be given either verbally during the last contact in person or in written form.

- V. Any individual terminated for any reason has a right to a fair hearing.
(See Policy **CR:03.0.**)

Guidelines:

Refer to the Texas WIN Reference Manual for instructions on WIN Termination procedures.