

2013/2014 WIC VENDOR AGREEMENT - APPENDIX G - ADMINISTRATIVE REVIEW PROCEDURES

- Vendors will be provided with written notification whenever an adverse action is taken. The notification will include the procedure to follow to obtain an administrative review, the time period in which to appeal, and the cause for and the effective date of the action. When a vendor is disqualified due in whole or in part to a Federal Mandatory Sanction violation numbered 1 through 10 in Appendix F, such notification shall include the following statement: "This disqualification from WIC may result in disqualification as a retailer in the Special Supplemental Nutrition Assistance Program." Such disqualification is not subject to administrative or judicial review under SNAP."
- The vendor will be provided with adequate advance notice of the time and place of the administrative review to provide all parties involved sufficient time to prepare for the review.
- The vendor will have up to two opportunities to reschedule the administrative review date upon specific written request.
- The vendor will have the opportunity to present its case and to cross-examine adverse witnesses. When necessary to protect the identity of WIC Program investigators, such examination may be conducted behind a protective screen or other device.
- The vendor will have the opportunity to be represented by counsel at any review proceeding.
- Prior to the review, the vendor will have an opportunity to examine the evidence upon which the WIC Program's action is based.
- An impartial decision-maker will be assigned to the appeal. The decision-maker's determination is based solely on whether the WIC Program has correctly applied Federal and State statutes, regulations, policies, and procedures governing the Program, according to the evidence presented at the review. The State agency may appoint a reviewing official, such as a chief hearing officer or judicial officer, to review appeal decisions to ensure that they conform to approved policies and procedures.
- Written notification of the review decision, including the basis for the decision, will be issued within 90 days from the date of receipt of a vendor's request for an administrative review. This timeframe is only an administrative requirement for the State agency and does not provide a basis for overturning the WIC Program's adverse action if a decision is not made within the specified timeframe.
- A vendor that appeals an adverse action for non-selection or disqualification will not be permitted to continue Program operations (will not be allowed to accept WIC checks) while its appeal is in process.
- Appealing an action does not relieve a vendor that is permitted to continue Program operations while its appeal is in process from the responsibility of continued compliance with the terms of any written agreement with the WIC Program.
- If the adverse action under review has not already taken effect, the State agency shall make the action effective on the date of receipt of the final decision by the vendor.
- If the final decision upholds the adverse action against the vendor, the State agency shall inform the vendor that it may be able to pursue judicial review of the decision.