

<b>He P 3207.02 Violations</b>	<b>He P 3207.02 Sanctions</b>	(Effective 10/01/2014 (document #10583), revised/adopted 08/20/2019)
<p><b>(b) Category I violations are:</b></p> <p>(1) Failure to follow proper redemption procedures;</p> <p>a) Attempting to purchase WIC food benefits without an eWIC card present; or</p> <p>b) Attempting to purchase or purchasing non-WIC approved benefits or foods not available on the family's benefit list; and</p> <p>(2) Behavior within a store or WIC clinic that is disruptive but not abusive or threatening.</p>	<p><b>(c) Category I sanctions are:</b></p> <p>(1) Written warning for the first occurrence within a 12-month period unless a violation of Category II(d)(1) for abusive behavior has been issued w/in a 12 month period, then (e)(2) shall be implemented;</p> <p>(2) A one-month suspension for the second occurrence within a 12-month period following warning;</p> <p>(3) A 3-month disqualification for the third occurrence within a 12-month period following a one-month suspension for the second occurrence; and</p> <p>(4) A participant disqualified for a Category I violation but for whom disqualification has been waived in accordance with (a)(6) and (a)(7) (see below NOTE) shall be issued food benefits on a monthly basis for a 3-month period beginning the next food benefit pick-up or certification.</p> <p><b>NOTE:</b></p> <p>(a) Participant sanctions shall be as follows: (6) Excluding (j) and (k) below, if a local agency competent professional authority submits a recommendation stating that the imposition of the disqualification would create an extreme nutritional hardship for the participant, the department shall waive a sanction provided such waiver does not conflict with RSA 132:12-a, II; (7) The competent professional authority's recommendation described in (6) above shall be made in writing to the department.</p>	<p><b>Local agency responsibilities:</b> LA shall follow all guidance provided in the Participant Notice-Warning and Participant Notice-Disqualification policies.</p>
<p><b>(d) Category II violations are:</b></p> <p>(1) Abusive or threatening behavior that includes, for example swearing, hitting, or threatening over the phone, within a store or at a WIC clinic that is directed towards WIC staff, retail vendors staff or other WIC participants; and</p> <p>(2) Purchasing non-WIC-approved foods.</p>	<p><b>(e) Category II sanctions are:</b></p> <p>(1) Written warning for the first actual or attempted occurrence;</p> <p>(2) A 3-month disqualification for any subsequent actual or attempted occurrence within a 12-month period following warning; and</p> <p>(3) A participant disqualified for Category II violation but for whom disqualification has been waived in accordance with (a)(6) and (a)(7) (see below NOTE) shall be issued food instruments on a monthly basis for a 3-month period beginning at the next food benefit pick-up or certification.</p> <p><b>NOTE:</b></p> <p>(a) Participant sanctions shall be as follows: (6) Excluding (j) and (k) below, if a local agency competent professional authority submits a recommendation stating that the imposition of the disqualification would create an extreme nutritional hardship for the participant, the department shall waive a sanction provided such waiver does not conflict with RSA 132:12-a, II; (7) The competent professional authority's recommendation described in (6) above shall be made in writing to the department.</p>	<p><b>Local agency responsibilities:</b> LA shall follow all guidance provided in the Participant Notice-Warning and Participant Notice-Disqualification policies.</p>

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<p><b>(f) Category III violations are:</b></p> <p>(1) Misrepresentation of eligibility for program benefits;</p> <p>(2) Purchase of non-food items;</p> <p>(3) Purchase of alcohol or tobacco products;</p> <p>(4) Exchange of WIC benefits for cash or credit from retail vendors;</p> <p>(5) Sale, attempted sale or exchange of WIC foods, WIC formula, or an eWIC card for cash, goods or services; and</p> <p>(6) Returning WIC foods or WIC formula to non-authorized retail store(s) for cash or store credit;</p>	<p><b>(g)-(l) Category III Sanctions are:</b></p> <p>(g) Category III violations shall be subject to the following sanctions:</p> <p>(1) A 3-month disqualification for any actual or attempted occurrence, except as allowed by (j) below;</p> <p>(2) A participant disqualified for Category III violation but for whom disqualification has been waived in accordance with (a)(6) and (a)(7) (see below NOTE) shall be issued food instruments on a monthly basis for a 3-month period beginning at the next food instrument pickup or certification.</p> <p>(h) Except as allowed by (j) below, the department shall disqualify a participant for one year in accordance with 7 CFR 246.12(u)(2) when:</p> <p>(1) There is dual participation as defined in 7CFR 246.2;</p> <p>(2) The department determines that program benefits have been obtained or disposed of improperly and these benefits total more than \$100.00; or</p> <p>(3) There is a second or subsequent demand for repayment of any amount.</p> <p>(i) The department shall collect improperly obtained benefits when there is a loss of funds as follows:</p> <p>(1) In accordance with 7 CFR 246.23(c)(1), the department shall demand repayment, in writing, from the participant or parent or caretaker of an infant or child participant equal to the full value of these benefits;</p> <p>(2) The department shall issue a second demand for repayment if full restitution is not made or a repayment schedule is not agreed upon within 30 days of receipt of the demand for repayment as described in (1) above; and</p> <p>(3) If no written or oral response has been received from the participant or parent or caretaker of an infant or child participant after the second demand for repayment as described in (2) above, the department shall refer the matter to the New Hampshire Department of Justice.</p> <p>(j) The department shall permit the participant to continue participation without mandatory disqualification when:</p> <p>(1) Full restitution is made within 30 days;</p> <p>(2) A payment plan is agreed to within 30 days of the receipt of the letter demanding repayment; <b>or</b></p> <p>(3) For participants under the age of 18 and infant and child participants, the department approves proxies.</p> <p>(k) If full restitution is made or a repayment schedule is agreed upon before the end of a mandatory disqualification period as described in (j) above, the department shall allow a disqualified participant to reapply for the program.</p> <p>(l) Failure to make full and timely payment, as agreed upon in (j) or (k) above, shall result in disqualification for the remaining disqualification period established in the original notice.</p> <p><b>NOTE:</b></p> <p>(a) Participant sanctions shall be as follows: (6) Excluding (j) and (k), if a local agency competent professional authority submits a recommendation stating that the imposition of the disqualification would create an extreme nutritional hardship for the participant, the department shall waive a sanction provided such waiver does not conflict with RSA 132:12-a, II; (7) The competent professional authority's recommendation described in (6) above shall be made in writing to the department.</p>	<p><b>State responsibilities:</b></p> <p>A certified letter is sent to the participant/payee that contains a summary of the violation, citation of the appropriate State Admin rules, the required period of disqualification, the participant's rights to a fair hearing and a demand for repayment (to be set up as a payment plan or in full to the participant/payee) within 5 business days. A copy is sent to the LA; LA is kept apprised of the receipt date of successful delivery of notification to the participant/payee/caregiver. Payments are determined or other options are discussed. i.e. proxy for participants &lt; 18 years of age.</p> <p>All participant violations and the appropriate timeframes needed for compliance with fair hearing requests, fair hearing dates, fair hearing decisions and waivers/proxies are entered into the Warning and Disqualification Tracking document by the SA Nutrition Coordinator.</p> <p><b>Local agency responsibilities:</b></p> <ul style="list-style-type: none"> <li>• Document a summary of the DQ in the participant's StarLINC Admin notes. The local agency shall only provide up to 60 days of benefits from the date of successful notification of the violation, disqualification and/or demand for repayment letter;</li> <li>• Keep a copy of the DQ/demand letter for repayment and right to a Fair Hearing available for "hand delivery" should the participant have a WIC appointment in the interim period when the letter from the SA was sent via certified mail yet not delivered/received. Send signed copy to the SA;</li> <li>• Direct the participant/payee/caregiver to contact the SA to discuss repayment in full, a payment plan or to contact the State Administrative appeals to request a Fair Hearing; and</li> <li>• Update the participant(s) StarLINC record for DQ updates and guidance provided by the SA, hand delivery of letter, fair hearing and/or proxy assignment.</li> </ul>