

New Hampshire WIC Policy & Procedure Manual

Chapter Number 8 CERTIFICATION, ELIGIBILITY & COORDINATION OF SERVICES G. Dual Participation, Participant Rights and Responsibilities, Fair Hearing Procedures, and Sanction System

Participant Notice of Violation-Warning

Purpose	To have a system in place to address participant violations.
Policy	The local agency shall document the participant violation and provide a warning notice in 3 days so that education may be provided and future violations may be avoided.
Authority	CFR 246.2, 246.7 (h)(2), 246.12 (u), NH Admin Rules HeP3207.02
Procedure	<ol style="list-style-type: none">1. Warnings are issued for participant violations that have not yet reached the level of violation requiring a suspension or disqualification from the WIC Program.2. First offense Category I & II violations result in a warning notice. <p>Category I Warning is issued for a first offense for: failure to follow proper redemption procedures such as attempting to purchase WIC food benefits without an eWIC card present, attempting to purchase or purchasing non-WIC approved benefits or foods not available on the family's benefit list, or abusive behavior in a store or WIC clinic that is disruptive but not abusive or threatening.</p> <p>Subsequent Category I violations within one year of the first violation may result in a 1 month suspension for a second occurrence within a 12 month period; a 3 month suspension for a third occurrence within a 12 month period.</p> <p>Category II warning is issued for abusive or threatening behavior such as swearing, hitting, or threatening over the phone, within a store or at a WIC clinic that is directed towards WIC staff, retail vendor staff or other WIC participants or purchasing non-WIC approved foods. Subsequent violations within one year of the first violation may result in 3 month suspension.</p> <p>Note: a current Cat II violation for abusive behavior with a warning notice provided followed by a Cat I abusive behavior violation will result in an automatic 3 month disqualification.</p> <p>Refer to Violations/Sanctions Chart. Refer to related Participant Notice of Violations and Sanctions—Suspension/disqualification policy.</p> <p>Participant warning notices are sent via email from the State Agency (SA) to the local agency (LA).</p>

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3. The local agency shall contact the participant/payee by phone call or by mail via regular mail on local agency letterhead within 3 working days of receiving notice from the SA. LA shall use the template provided or have their template letter approved by the SA prior to use. LA shall inform participant/payee of the violation, shall inquire about the circumstances of the violation, provide education to the participant/payee on the proper use and handling of the WIC benefits or behavior and inform the participant/payee that a second offense, within a 12 month period of the first offense, may result in suspension from the WIC Program. Appeal language is not required with the warning notice.

4. The local agency shall send completed documentation to the SA within 30 days of notification from the SA via email. LA response must include the following in the body of the email for the SA tracking purposes:

- The date the warning notice was emailed to the LA;
- The participant's name and ID number
- The date of the following action: Letter sent, phone call made or direct contact was made with the participant to inform them of the warning and that education was provided.

5. The local agency shall document all actions in the participant StarLINC Admin notes including: receipt of the warning notice, date of contacting the participant, and education provided. If a letter is sent, LA shall retain a copy however, a copy of the letter does not need to be sent to the SA.

Exception

There are no exceptions to this policy.

Best Practice

Avoid violations through thorough participant education on the proper use of WIC benefits, behavior and the rights and rules of the WIC Program.

Copy notes or place "see note" in the records of all other WIC family participant's records.