

Section 5.4: Notification of Ineligibility/Disqualification

3/2021

References: 7CFR Part 246.7 (j) (5-8)

Policy: Persons determined to be ineligible at the time of certification or mid-certification, or disqualified at any time, must be informed in writing of the reason for ineligibility or disqualification, and of their right to a fair hearing. The reason for ineligibility must be documented.

Purpose: To inform an applicant or participant of his/her ineligibility for the WIC Program.

Procedures

Ineligibility at Certification

Persons determined to be ineligible during a certification or recertification appointment, must receive written notification of ineligibility including the reason(s) for ineligibility, and of their right to a fair hearing.

1. Assess whether the participant (in the case of an early termination of a previous certification) or any household members still in a current certification are eligible to receive food benefits. See Income Ineligibility During the Certification Period section below.
2. Complete the applicable portions in the WIC Information System.
3. Sign the signature pad as confirmation that the WIC staff person has completed final ineligibility determination.
4. Provide the applicant the *Notice of Ineligibility* generated by the WIC Information System (see Exhibit 5-GG: [Sample Letter of Ineligibility](#) for a sample notice).
5. Offer nutrition education and referrals, and if provided, document those in the participant record.

Ineligibility after Pending Eligibility

Applicants who are missing required documentation at certification, determined to be *temporarily eligible for 30 days* and later, when documentation is provided, are determined to

be *ineligible*, must receive written notification of ineligibility, the reason for ineligibility, and of their right to a fair hearing.

1. Assess whether any *other household members*, who are in a current certification (not pending eligibility), are eligible to receive food benefits and issue those. See Income Ineligibility During the Certification Period section below.
2. Initiate a termination in the participant record.
3. Provide the applicant the signed *Letter of Ineligibility*.

Income Ineligibility During the Certification Period

Occasionally, participants are determined to be income-ineligible *during* their certification period. (For more details, see [Section 5.2.4: Income \(Certification Procedures\)](#), Reassessment of Income Eligibility During the Certification.) In these situations, participants must receive written notice of the ineligibility, the reason for ineligibility, and of their right to a fair hearing, not less than 15 days before the termination.

1. After determining that the participant will be income-ineligible, provide a food package to the participant and other household members depending on how many days are left in the certification:
 - Participants with > 90 days left in their current certification are eligible to receive food benefits for 15 days (i.e., a half food package).
 - Participants with < 90 days left are eligible to receive all of their remaining sets of food benefits.
2. Initiate a manual termination, selecting to generate a *Letter of Ineligibility* and a note in the participant record.
3. Write on the notice the names of any other family members who were also determined ineligible at this time.
4. Give the participant the signed *Letter of Ineligibility*.
5. Offer nutrition education and referrals, and if provided, document those in the participant record.

Ineligibility due to Participant Violations

Only the state office can disqualify participants for program violations and will provide guidance to local agencies on how to proceed. Those participants must receive a written notice of disqualification, the reason for disqualification, and of their right to a fair hearing, not less than 15 days before the disqualification. ***Once it has been determined that there will be a disqualification, no benefits may be issued.***

1. Follow instructions received from the state office about the disqualification.
2. Initiate a *Manual Termination* in the participant record as directed.

3. See [Section 1.11: Potential Participant Violations](#) for additional information.

Categorical Ineligibility

Participants must be notified (either verbally or in writing) at least 15 days in advance that their certification will be ending due to categorical ineligibility.

- For example, verbally notify the parents of a 4 year old, that the child is no longer eligible to receive WIC services after they turn 5 years old.
- Breastfeeding women who discontinue breastfeeding after 6 months postpartum and become categorically ineligible, must also be given 15 days advance notice.
 - Issue a final month of food benefits for the participant.
 - Then update the breastfeeding status in the participant and infant records. This update will trigger system termination for the non-breastfeeding woman, after which no benefits can be issued for her.
 - Offer and document nutrition education as appropriate.

Letter of Ineligibility Not Necessary in these Situations

Written ineligibility notices are not necessary when:

- Participants become categorically ineligible (e.g., child turns 5, non-breastfeeding woman reaches 6 months postpartum, breastfeeding woman discontinues breastfeeding after 6 months postpartum)
- A participant does not return for food benefits or recertification
- A person only requests information, inquires about the program, or is pre-screened by phone, walk-in, etc.

Guidance

- When ineligibility is determined in situations where the participant and/or household members are *eligible for final food benefits*, the CPA must issue those benefits before completing ineligibility. Otherwise, the Information System will not permit food benefits to be issued.
- See [Income Assessment](#) modules for more guidance about ineligibility procedures.
- The Information System will document the reason for ineligibility; if this does not occur, it should be documented in a note.

Related Policies

[Section 1.13: Fair Hearing Procedures](#)

[Section 3.3: Transferring Participants](#)

Section 5.2: Certification Procedures

Section 6.3: Initial Education

Reference – Complete Listing of Hyperlinks

Exhibit 5-GG: Sample Letter of Ineligibility

(<https://www.health.state.mn.us/docs/people/wic/localagency/program/mom/exhbts/ex5/5gg.docx>)

Section 5.2.4: Income (Certification Procedures)

(https://www.health.state.mn.us/docs/people/wic/localagency/program/mom/chsctns/ch5/sctn5_2_4.pdf)

Section 1.11: Potential Participant Violations

(https://www.health.state.mn.us/docs/people/wic/localagency/program/mom/chsctns/ch1/sctn1_11.pdf)

Income Assessment

(<https://www.health.state.mn.us/people/wic/localagency/winnie/training.html#income>)

Section 1.13: Fair Hearing Procedures

(https://www.health.state.mn.us/docs/people/wic/localagency/program/mom/chsctns/ch1/sctn1_13.pdf)

Section 3.3: Transferring Participants

(https://www.health.state.mn.us/docs/people/wic/localagency/program/mom/chsctns/ch3/sctn3_3.pdf)

Section 5.2: Certification Procedures

(https://www.health.state.mn.us/docs/people/wic/localagency/program/mom/chsctns/ch5/sctn5_2all.pdf)

Section 6.3: Initial Education

(https://www.health.state.mn.us/docs/people/wic/localagency/program/mom/chsctns/ch6/sctn6_3.pdf)

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