

Applicant Notification of Appeal Rights/Right to a Fair Hearing

At a minimum, the following information shall be supplied to any applicant at the time of application and at the time of denial or termination from the WIC Program.

You Have the Right to Appeal If:

1. You are denied the right to enter the WIC Program; or
2. You are in the Program and your benefits are suspended; or
3. Your benefits under the Program are stopped (terminated) and you are not satisfied with the reasons given. You have the right to a fair hearing before an impartial representative of this agency and if, after receipt of decision of the fair hearing officer, you are still not satisfied, you have the right to request and receive a reconsideration of the decision by the state WIC Agency. If this decision by the state WIC Agency is still not acceptable, you have the right for a judicial review of the state WIC Agency's final decision.

What You must Do If You Want to Appeal:

1. You have sixty (60) days from the date this agency mails or gives you, the applicant or participant, written notification of Program denial or termination of benefit to request a hearing.
2. A request for a fair hearing is defined as any clear expression by the participant, the participant's parent, guardian or other representative that a request is being made for an opportunity to present your case to a higher authority.
3. Your hearing request shall be addressed to the Local Agency program coordinator at the following address: (applicable agency address goes here).
4. Neither this agency, nor the Department, is able to deny or dismiss a request for a hearing unless:
 - a. The written request for a hearing is not received within the sixty (60) day period mentioned in 1.above; or
 - b. You, the appellant, or your representative, requests in writing to the local program coordinator of this agency that you are withdrawing a request for a hearing, or
 - c. If you, the appellant, or your representative, fail(s) without good cause to appear at the scheduled hearing.
5. You will be notified of the date, time and place of the hearing you requested, with you receiving such notification at least ten (10) days prior to the hearing date.

The notice of hearing will include an explanation of the hearing process to be followed. During the hearing, any position or argument on your behalf may be presented personally or by your representative, such as a relative, friend, attorney or other spokesperson.

Please note that if you have been found ineligible for the WIC Program at any time during the certification period, you will be advised of the reasons for ineligibility in writing fifteen (15) days before termination of eligibility. If this occurs, you have the right, within the fifteen (15) day period mentioned above, to request a fair hearing. If the appeal is filed within this fifteen (15) day period, you shall continue to receive Program benefits until the hearing officer reaches a decision within forty-five (45) days of the receipt of the request for a fair hearing. Further, applicants who are denied benefits at the initial certification or subsequent certifications may appeal the denial but shall not receive benefits while awaiting the hearing officer's decision.

If the decision of the fair hearing officer is not acceptable, you have fifteen (15) days from the receipt of notification of such a decision to request a reconsideration by the State WIC Coordinator.

To request a reconsideration, you must, within the above-mentioned 15 days of the receipt of the decision, notify the Local Agency program coordinator, in writing or in person, that you want a reconsideration by the State WIC Coordinator.

- a. The Local Agency program coordinator shall then, within five (5) days of the receipt of the reconsideration request, forward to the State WIC Coordinator the complete record of the hearing held.
- b. The State WIC Coordinator shall, within fifteen (15) days of the receipt of the record, notify you of the results of the reconsideration. When the record is incomplete or when necessary to reach a fair decision, the WIC Coordinator shall order a hearing de novo before the Department.
- c. If you are not satisfied with the reconsideration or hearing de novo, judicial review may be obtained pursuant to Article III, Code of Civil Procedure, ILL. Rev. Stat. 1991, ch. 110, par. 3-101 et seq., commonly known as the Administrative Review Law. You must file complaint within thirty-five (35) days from the date a copy of the decision is served on the affected party.