

**Sanction System****Policy No. CT-860.05**

Effective Date: October 1, 2016

No. of Pages: 4

**Policy**

The local agency must process Category I violations and report Category II-V violations. All correspondence must be maintained according to the **Retention of Records Policy**.

When processing violations within Category I, the Nutrition Services Director (NSD) or designee must complete an investigation within three days of the alleged actions. Upon completion of the investigation, when warranted, the local agency must provide a verbal warning notification and education to participants regarding the violation. All actions related to the violation must be reported to the state agency via email after the participant has been educated and the investigation has concluded.

When reporting violations within Category II – V, the NSD or designee must notify the Operations Program Specialist in writing, of any occurrence of alleged or intentional abuse committed by a participant, parent or caretaker of an infant/child, alternate proxy, or proxy, using the **Request for Investigation form**.

All Notice of Assessment of Claims, Notice of Participant Violations, Request for Appointment and Dual Participation must be filed in the participant's record and at the district office.

The **Categories of Participant Violations with Resulting Sanctions** describes the five (5) categories, violations and prescribed sanctions.

**Purpose**

To establish a system of sanctions for participant violations based upon the nature and severity of the violation, in accordance with the federal regulations. To provide an equitable control for identifying, reporting, and investigating alleged WIC Program violations by a participant, parent or caretaker of an infant/child, alternate proxy, or proxy.

**Procedures**

- I. Notify the Operations Program Specialist via email of actions taken for Category I violations after the participant has been educated and the investigation has concluded.

Include in the email the following supporting documentation:

- Participants Name
  - Description of the Alleged Violation(s)
  - WIC ID Number
  - Date(s) warning and education was completed
- II. Notify the Operations Program Specialist in writing, using the **Request for Investigation form** of any occurrence of alleged or intentional abuse committed by a participant, parent or caretaker of an infant/child, alternate proxy, or proxy of Categories II-V violations.

**Sanction System****Policy No. CT-860.05**

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No. of Pages: 4

Include in the request the following supporting documentation:

- Certification forms
  - Proof Verifications
  - Rights and Responsibilities
  - Description of the Alleged Violation(s)
  - Voucher Issuance
  - Change in Guardianship
- III. Respond, within the requested timeframe, to the Office of Inspector General and the State WIC Office during the investigation.
- IV. Distribute all Notice of Participant Violations to all clinics within the district.

**State Agency Actions**

## Categories of Participant Violations with Resulting Sanctions

II. Exceptions to Disqualification.

- A. The State WIC Office may decide not to impose a disqualification under one of the following circumstances:
1. A participant makes full restitution of an assessed claim within thirty (30) days of receipt of the demand letter from the State WIC Office;
  2. A repayment schedule agreed upon by the State WIC Office and participant; or
  3. In the case of an infant, child, or a participant who is under the age of eighteen (18) years, the State WIC Office may waive disqualification if an alternate-proxy or proxy is appointed to receive nutrition education and transact vouchers and for an infant, child, or participant under 18 years of age.

The State WIC Office may permit a disqualified participant to reapply for the program before the end of a disqualification period if full restitution is made or a repayment schedule is agreed upon, or in the case of an infant, child, or a participant who is under the age of eighteen (18) years, the State WIC Office or local agency approves the designation of an alternate-proxy or proxy.

**Sanction System****Policy No. CT-860.05**

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No. of Pages: 4

- B. The State WIC Office will notify the local agency of any participant terminated in error. The participant will be reinstated immediately. Retroactive benefits will not be issued.

III. Notice of Assessment of Claim for Participant Violation. The State WIC Office will assess a claim when it is determined that a participant violation has resulted in the improper issuance or disposal of benefits.

- A. When alleged participant violations are determined by the State WIC Office to be substantiated, the State WIC Office will issue a notification letter to the participant demanding repayment of the full value of the program benefits.
- B. The claim letter must include the right to a fair hearing (see Fair Hearing Procedures policy, [Policy No. CT-860.04](#)) and must advise the participant that failure to pay the claim may result in disqualification.
- C. A copy of the claim letter demanding repayment will be sent to the local agency for monitoring purposes and a copy must also be kept in the participant records.
- D. If full restitution is not made to the State WIC Office, or a repayment schedule is not agreed upon with the State WIC Office within thirty (30) days of receipt of the claim letter, the State WIC Office may take additional collection actions until restitution is made or a repayment schedule is agreed on, unless the State WIC Office determines that further collection actions would not be cost-effective.

IV. Notice of Assessment of Sanction.

- A. The State WIC Office will assess the sanction committed by a participant, parent, guardian, or caretaker of an infant or child participant or proxy and notify in writing.
- B. The notification must include:
  - 1. the reason for the sanction; and
  - 2. the right to a fair hearing (see Fair Hearing Procedures policy, [Policy No. CT-860.04](#)).
- C. In the cases of suspension or disqualification, this notice must be provided at least fifteen (15) days before the suspension or disqualification occurs.
- D. A copy of the notification will be sent to the local agency for monitoring purposes and a copy must also be kept in the participant records.

**Sanction System****Policy No. CT-860.05**

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**Authority**

7 CFR § 246.7(j)(7)

7 CFR § 246.12(u)

7 CFR § 246.23(c)

**Definitions/Supporting Information**

**Abuse** - Intentional infliction of physical harm and/or to attack with verbal words. This can include, but is not limited to, ridiculing or being demeaning, making derogatory remarks toward or verbally harassing another. Abuse is also defined as misuse: to use something in an improper, illegal, or harmful way.

**Disqualification** - The act of ending a participant's participation in the program as a punitive sanction for violations committed for a period of time or for administrative reasons.

**Dual Participation** - Simultaneous participation in more than one WIC program (more than one state or more than one local clinic) or participation in any WIC program and CSFP at the same time. Dual participation occurs when benefits have been received in both programs.

**Participant** - A pregnant, breastfeeding and postpartum woman, infants and children under five years of age who are receiving supplemental foods, food instruments (FIs) under the Program.

**Participant Violation** - Any intentional action of a participant, parent or caretaker of an infant/child participant, alternate-proxy, or proxy that violates Federal or State statutes, regulations, policies or procedures governing the Program. A violation may include but is not limited to making false or misleading statements or withholding facts to obtain benefits; selling or attempting to sell vouchers for cash; exchanging or attempting to exchange WIC benefits for cash, non-food items, services or unauthorized food items; threatening to harm or physically harming clinic farmer, or vendor staff; and dual participation.