



## **Procedure: Implementation of Sanctions**

Functional Area: I Vendor and Farmer Management

Section: F 2

Citation: 246.12 ( I )

Approval Date: 7/2013

Revised Date: 7/2013

### **Purpose**

To describe the implementation of the sanction system through coordinated efforts of local agency and state agency staff.

### **Implementation**

Implementing the sanction system involves a coordinated effort of local and state agency staff.

A combined total of:

1 - 5 points = Notification Letter of Sanction Points  
Being levied sent by State WIC staff

6 - 15 points = Warning Letter sent by State WIC staff

16 - 19 points = 6 months disqualification

20 – 29 points = 12 months disqualification

30 –59 points = 36 months disqualification

60 or more points = 72 months disqualification

Food Stamp Program Disqualification = Disqualification from the WIC Program  
for the same time period as the  
Food Stamp Program Disqualification

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When more than one violation is detected during a single investigation that results in a total of twenty (20) or more points, the disqualification period will be based upon the most serious violation.

## Documentation & Follow-Up

### 4. 20-29 points

a. The State WIC office will provide the vendor with a 30 day advance written notice of a 12 month disqualification from the Nebraska WIC Program. The vendor will also be informed he/she has a right to appeal this decision within 15 days and instructed on the process of requesting a fair hearing. This notice shall also include the statement that the disqualification from WIC may result in withdrawal of authorization to participate in the Food Stamp Program. A copy of this letter will be sent to the local agency WIC vendor manager for the vendor's file.

b. The State WIC office will contact the local agency WIC vendor manager to coordinate the documentation necessary for changes in the WIC computer system due to the vendor's disqualification.

c. The State WIC agency shall provide the Lincoln, Nebraska FNS Field Office with written notification and information on the vendor disqualified from WIC. This information shall be provided within 15 days after the opportunity to file for a WIC administrative appeal has expired or all WIC administrative appeals have been exhausted.

### 5. 30-59 points

a. The State WIC office will provide the vendor with a 30 day advance written notice of a 36 month disqualification from the Nebraska WIC Program. The vendor will also be informed he/she has a right to appeal this decision within 15 days and instructed on the process of requesting a fair hearing. This notice shall also include the statement that the disqualification from WIC may result in withdrawal of authorization to participate in the Food Stamp Program. A copy of this letter will be sent to the local agency WIC vendor manager for the vendor's file.

b. The State WIC office will contact the local agency WIC vendor manager to coordinate the documentation necessary for changes in the WIC computer system due to the vendor's disqualification.

c. The State WIC agency shall provide the Lincoln, Nebraska FNS Field Office with written notification and information on the vendor disqualified from WIC. This information shall be provided within 15 days after the opportunity to file for a WIC administrative appeal has expired or all WIC administrative appeals have been exhausted.

## 6. 60 or more points

a. The State WIC office will provide the vendor with a 30 day advance written notice of a 72 month disqualification from the Nebraska WIC Program. The vendor will also be informed he/she has a right to appeal this decision within 15 days and instructed on the process of requesting a fair hearing. This notice shall also include the statement that the disqualification from WIC may result in withdrawal of authorization to participate in the Food Stamp Program. A copy of this letter will be sent to the local agency WIC vendor manager for the vendor's file.

b. The State WIC office will contact the local agency WIC vendor manager to coordinate the documentation necessary for changes in the WIC computer system due to the vendor's disqualification.

c. The State WIC agency shall provide the Lincoln, Nebraska FNS Field Office with written notification and information on the vendor disqualified from WIC. This information shall be provided within 15 days after the opportunity to file for a WIC administrative appeal has expired or all WIC administrative appeals have been exhausted.

## 7. Disqualification from the Food Stamp Program

a. The State WIC office will provide the vendor with a 30 day advance written notice of disqualification from the Nebraska WIC Program. A WIC disqualification based on a Food Stamp Program disqualification shall be for the same length of time as the Food Stamp Program disqualification, may begin on the same or a later date than the Food Stamp Program disqualification. Disqualification from the WIC Program based upon a Food Stamp Program disqualification is not subject to administrative or judicial review under the WIC Program. A copy of this letter will be sent to the local agency WIC vendor manager for the vendor's file.

b. The State WIC office will contact the local agency WIC vendor manager to coordinate the documentation necessary for changes in the WIC computer system due to the vendor's disqualification.

c. The State WIC agency shall provide the Lincoln, Nebraska FNS Field Office with written notification and information on the vendor disqualified from WIC.

## 8. Permanent Disqualification

- a. The State WIC office will provide the vendor with a written notice of permanent disqualification from the Nebraska WIC Program. The vendor will also be informed he/she has a right to appeal this decision within 15 days and instructed on the process of requesting a fair hearing. This notice shall also include the statement that the disqualification from WIC may result in withdrawal of authorization to participate in the Food Stamp Program. A copy of this letter will be sent to the local agency WIC vendor manager for the vendor's file.
- b. The State WIC office will contact the local agency WIC vendor manager to coordinate the documentation necessary for changes in the WIC computer system due to the vendor's disqualification.
- c. The State WIC agency shall provide the Lincoln, Nebraska FNS Field Office with written notification and information on the vendor disqualified from WIC. This information shall be provided within 15 days after the opportunity to file for a WIC administrative appeal has expired or all WIC administrative appeals have been exhausted.

### **Maintenance Of Sanctions Levied**

The State WIC Agency will maintain a master file of the WIC retailers and the sanction points assessed each vendor.

The State WIC agency WIC will also record the sanction points assessed for each vendor in the WIC computer system.

Violations committed during a disqualification will result in an extension of the disqualification.

A vendor may request reinstatement of WIC authorization, once the disqualification period has been completed.

### **Participant Hardship**

Prior to any vendor disqualification, the Nebraska WIC Program will determine if disqualification of the vendor would result in inadequate participant access.

The Nebraska WIC Program will assess participant hardship through review of the following information.

- Identify the number of participants with the same zip code as the violative vendor. Identify the WIC authorized stores at which these participants redeem their WIC food instruments and the WIC clinics they attend. This data is reviewed to determine who would be affected if the violative store would be disqualified and where the participants live, shop, and receive WIC benefits currently.

- Identify the availability of another authorized WIC vendor(s)
  - in the same zip code as the violative vendor or
  - in the same zip code as the clinic(s) of the participants shopping at the violative vendor or
  - within three mile of the violative vendor for cities with populations of 30,000 or more or
  - within 45 miles of the violative vendor for cities/towns with populations less than 30,000.
  
- Identify any geographic barriers to using another authorized WIC vendor.

If the State Agency determines that disqualification of the vendor would result in inadequate participant access, the State Agency shall impose a civil money penalty in lieu of disqualification. However a civil money penalty shall not be imposed in lieu of disqualification for third or subsequent sanctions which warrant disqualification.

Participant access determinations are not subject to administrative review.

#### **Participant Access Documentation**

Documentation of participant access determination and any supporting documentation will be retained in the file of each vendor who is disqualified or receives a civil money penalty in lieu of disqualification