



**Procedure: Implementation of Sanctions**

Functional Area: I Vendor and Farmer Management

Section: F 2

Citation: 246.12 ( 1 )

Approval Date: 11/26/2014

Revised Date: 8/2014

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

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

**Mandatory Federal Sanctions**

- Permanent Disqualification = Permanent disqualification letter sent by State WIC staff
- SNAP Disqualification = Disqualification letter from the WIC Program for the same time period as the SNAP disqualification sent by State WIC staff
- Six Year Disqualification = Six (6) year disqualification letter sent by State WIC staff
- Three Year Disqualification = Three (3) year disqualification letter sent by State WIC staff
- One Year Disqualification = One (1) year disqualification letter sent by State WIC staff

**State Agency Sanctions**

- A combined total of:
- 20 – 29 points = Twelve (12) months disqualification letter sent by State WIC staff
  - 16 - 19 points = Six (6) months disqualification letter sent by State WIC staff
  - 6 - 15 points = Notification letter of sanction points being levied and warning of disqualification sent by State WIC staff
  - 1 - 5 points = Notification letter of sanction points being levied and warning of disqualification sent by State WIC staff

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**Implementation (cont.)**

When more than one violation is detected during a single investigation that results in a total of 16 (sixteen) or more points, the disqualification period will be based upon the most serious violation.

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**Documentation  
& Follow-Up**

Mandatory Federal Sanctions - Permanent Disqualification from the WIC Program

- 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 Supplemental Nutrition Assistance 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.

Mandatory Federal Sanction - Disqualification based on a Supplemental Nutrition Assistance Program disqualification

- a. The State WIC office will provide the vendor with a 30 day written notice of disqualification from the Nebraska WIC Program. A WIC disqualification based on a SNAP disqualification shall be for the same length of time as the SNAP disqualification, may begin on the same or a later date than the SNAP disqualification. Disqualification from the WIC Program based upon a SNAP 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.

**Documentation  
& Follow-Up (cont.)**

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**Mandatory Federal Sanctions – Six Year Disqualification from the WIC Program**

- a. The State WIC office will provide the vendor with a 30 day 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 Supplemental Nutrition Assistance 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.

**Mandatory Federal Sanctions – Three Year Disqualification from the WIC Program**

- a. The State WIC office will provide the vendor with a 30 day 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 Supplemental Nutrition Assistance 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.

**Mandatory Federal Sanctions – One Year Disqualification from the WIC Program**

- a. The State WIC office will provide the vendor with a 30 day 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

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**Documentation  
& Follow-Up (cont.)**

WIC may result in withdrawal of authorization to participate in the Supplemental Nutrition Assistance 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.

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**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.

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**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.

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**Participant  
Hardship (cont.)**

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.

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**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.

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