

10A NCAC 43D .0904 NOTIFICATION OF THE RIGHT TO A FAIR HEARING

(a) Every current or potential WIC participant shall be informed by the local WIC agency of his or her right to a fair hearing:

- (1) in writing at the time of application;
- (2) in writing whenever he or she is determined ineligible;
- (3) in writing if disqualified due to abuse of the program;
- (4) in writing at the time of assessment of a claim for repayment of the cash value of improperly issued Program benefits; and
- (5) orally or in writing at least 15 days before the expiration of each certification period.

(b) The content of the notice of fair hearing shall include:

- (1) a statement of the right to a fair hearing;
- (2) the method by which a fair hearing may be requested, including the time limit;
- (3) who may represent the individual, and
- (4) the civil rights statement.

(c) In order to notify current and potential participants of the fair hearing process, a simplified summary of the steps involved in obtaining a fair hearing shall be posted in a visible place at every WIC site where certifications are performed, eWIC benefits are issued or applications are accepted. This notification shall contain:

- (1) notice of right to a fair hearing;
- (2) a simplified explanation of the definition and purpose of a fair hearing;
- (3) the method by which a fair hearing may be requested, including the time limit; and
- (4) who may represent the individual at the fair hearing and in requesting a fair hearing.

*History Note: Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786;
Eff. July 1, 1981;
Temporary Amendment Eff. July 1, 2002;
Amended Eff. July 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017;
Amended Eff. April 1, 2026.*