

10A NCAC 43D .0907 CONTINUATION OF BENEFITS

(a) WIC program benefits shall be continued during the appeal of the following actions when the request for a hearing is received within 15 days of notification of the action:

- (1) disqualification from the program for abuse during a certification period; or
- (2) determination of ineligibility during a certification period due to a change in income eligibility or residential eligibility.

(b) WIC program benefits shall not be continued when a fair hearing is requested:

- (1) in any of the situations in Paragraph (a) of this Rule if the request is made more than 15 days after the date of notification; or
- (2) by determination of ineligibility during a certification period due to categorical ineligibility; or
- (3) by applicants who are denied benefits at the initial or subsequent determination of WIC eligibility if the previous certification period has expired.

(c) When benefits are continued due to a request for a fair hearing as specified above, the individual shall continue to receive benefits until an adverse hearing decision is reached or the certification period expires, whichever occurs first.

*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.*