

10A NCAC 43D .0911 DECISION

- (a) The fair hearing decision shall be made by the hearing official and shall be based only on the oral and documentary evidence presented at the hearing and applicable state statutes and rules, and federal laws and regulations and shall be made as part of the hearing record by the hearing officer.
- (b) The hearing official shall notify in writing the aggrieved party, any designated representative of the aggrieved party, the local WIC agency and the Community Nutrition Services Section of the decision within 45 days from the date of the request for the hearing.
- (c) If the decision is in favor of the aggrieved party and benefits were denied or discontinued, benefits shall begin within two business days after the issuance of the decision.
- (d) If the decision is in favor of the agency, as soon as administratively feasible any continued benefits shall be terminated as decided by the hearing official.
- (e) The hearing officer shall prepare a recording of testimony and exhibits, or an official report containing the substance of what transpired at the hearing which, together with all papers and requests filed in the proceeding and the written fair hearing decision, shall constitute the exclusive hearing record.
- (f) If the fair hearing results are unsatisfactory to the aggrieved party, they may petition for judicial review in Superior Court.
- (g) The decision shall be binding on the local WIC agency.
- (h) All hearing records shall be retained for three years.
- (i) Upon request by any member of the public a copy of all hearing records and decisions in a form that does not identify individuals (appellant or local agency) shall be prepared by the Community Nutrition Services Section and be available for inspection and copying.

*History Note: Authority G.S. 130A-361; ; 7 C.F.R. 246.9; 42 U.S.C. 1786;
Eff. July 1, 1981;
Amended Eff. December 6, 1991;
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.*