



North Dakota  
WIC

**Food Delivery**

Section

**VENDOR**

Subject

**PARTICIPANT VIOLATIONS AND  
DISQUALIFICATIONS**

**SUMMARY**

WIC has procedures to control participant violations.

**MANDATORY DISQUALIFICATION**

Regulations require that the state must disqualify a participant for 1 year whenever the state assesses:

- a claim of \$100 or more, or
- a claim for dual participation, or
- a second or subsequent claim of any amount.

Exception: If full restitution is made or a repayment schedule is agreed on, the state may permit a participant to reapply before the full year. In cases of an infant or child under 18, the local agency can approve the designation of a proxy.

The state may provide warnings before imposing any sanctions or disqualifications.

**OTHER VIOLATIONS**

Additional reasons for program suspension or dismissal include:

- Physical or verbal abuse, or inappropriate behavior to WIC staff, clients or grocery store staff
- Making changes to the WIC voucher, returning WIC foods for cash, credit, or non-WIC foods, or selling, trading, or giving away WIC foods
- Providing false information on WIC application or when reporting income status

**EXCHANGING FORMULA**

Clients may not exchange formula at the store for cash, credit, or for a different type or brand, such as low-iron formula or a non-contract brand. While it may be difficult to prove that it is WIC formula that was returned or exchanged, the client should be warned that if they return or exchange WIC formula they will be removed from the program. If it is the same type of formula they were given on their WIC voucher, let them know that you are putting them on probation for six months. If they return or exchange WIC formula at the store again during this time, explain to them they will be removed from the program. If the client can prove that in fact the returned formula was not from WIC, no action is needed, however without proof we can only assume that it was WIC formula.

Date

07/07

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**FAIR HEARINGS**

The state has a fair hearing procedure when an individual wants to appeal a state or local agency action which results in “adverse action”. These actions include claims against the individual for repayment of the cash value of improperly issued benefits or denial of participation or disqualification from the Program.

When denied services the client will be given the “Notification of WIC Program Non-Eligibility” (SFN 5930) and informed of their right to a hearing and how to request one.

See the Fair Hearing policy 04-08-04 in the Client Services Manual for a description of the hearing process.

**INCIDENT RECORD**

*Each case will be documented by local staff. The record will include the abuse and the corrective action taken. The documentation will be shared with the state WIC director who will maintain a file of all participant fraud and abuse.*