

The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

UNITED STATES DEPARTMENT OF AGRICULTURE  
Food and Nutrition Service  
3101 Park Center Drive  
Alexandria, VA 22302

FNS INSTRUCTION 819-1

ACTION BY: Regional Directors  
Supplemental Food Programs

SOURCE CITATION: Section 246.23

WIC Program--Fair Hearing Procedures for Participants:  
Making Hearing Procedures Efficient

In light of current budget constraints and efforts towards effective caseload management, State and local agencies are experiencing an increase in the number of fair hearing requests. Recognizing the impact that a substantial multiplication of requests can have on existing resources, we wish to encourage State agencies to reevaluate their fair hearing procedures. State agencies may find it necessary to develop alternate procedures to meet the increased demand for fair hearings while continuing to ensure timely processing of the requests as required. The purpose of this instruction is to provide recommendations and suggestions to meet these needs.

To ensure an increased awareness by applicants of the WIC Program, the State agency should emphasize certain aspects of the program at certification. Areas to be discussed should include, for example, limited funding for the program, the priority system, waiting lists, and reasons for denial of benefits or termination from the program. The State agency may also find it beneficial to make available written materials, use posters, or employ other media to publicize this information. "Focusing efforts at the time of application and/or certification may prove valuable in ensuring a more informed public, thus reducing the number of fair hearing requests.

At the time a fair hearing is requested, the State agency may wish to conduct a preliminary conference with the appellant. This conference may resolve the issue(s), particularly when the individual may misunderstand program policy or not be aware that certain procedures are required by the State agency or Federal law and regulations.

The State agency should also consider instituting group hearing procedures. Each month hearings could be scheduled on the same day. As a group, appellants could receive information on fair hearing procedures, including their rights and responsibilities concerning the hearing process, the role of the hearing officer, the timeframe for final decisions, and any other pertinent information. Cases could then be heard on an individual basis with the specifics of each case being separately discussed.

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<b>DISTRIBUTION:</b> 5,9,15	<b>MANUAL MAINTENANCE INSTRUCTIONS:</b> New Instruction. Insert in Manual Destroy WIC Policy Memorandum No. S-100.	<b>RESPONSIBLE FOR PREPARATION AND MAINTENANCE:</b> SF-100	Page 1 10-22-82
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**FORM FNS-620 (10-81)**

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The development and use of any alternate procedures to manage an influx of fair hearing requests does not relieve the State agency of its responsibilities for providing and conducting fair hearings as required in Section 246.23 of the program regulations.



**Barbara P. Sandoval**  
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