

Fair Hearing Procedures for the Guam WIC Program

You can ask for a fair hearing,

- If you think you are being taken off the WIC program unfairly.
- If you have been told you do not meet the requirements and you believe it is unfair.
- Issued a claim for repayment of the cash value of improperly issued benefits.

What is a fair hearing?

- In a fair hearing, you are given the chance to tell your reasons why you think you were not treated fairly by the WIC Program. You tell your reasons to a hearing official who is NOT a part of the WIC Program. This individual will make a decision that is fair and will notify you and the WIC Program of his/her decision.
- A request for a fair hearing must be made within 60 days from the date the adverse action was mailed or given to an applicant or participant.

How do I ask for a fair hearing?

- You may request a fair hearing from the Guam WIC Program office by calling (671) 475-0295/0296 or visit the WIC office, or you may request a hearing orally or in writing. WIC staff will assist you with your request and will provide you a copy of the Guam WIC Program Fair Hearing form and be instructed to write the:

Department of Public Health and Social Services Public Appeals Hearing Office,
Guam WIC Program
15-6100 Mariner Avenue
Barrigada, GU 96913-1601

If you are unable to put the complaint in writing, the WIC staff will do this for you.

- A fair hearing shall be held within three (3) weeks from the date of your request. You will be notified at minimum ten (10) days advance written notice of the time and place of the hearing, and shall enclose an explanation of the hearing procedure with the notice.
- You may bring a friend, family member, or legal counsel with you to present your positions or arguments.
- Before the fair hearing, make sure you clearly understand the explanations given to you by our WIC staff as to why you did not meet the WIC requirements or the explanation given for taking you off the WIC program.
- Bring witnesses
- Advance arguments without undue interference
- Question or refute any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses
- Submit evidence to establish pertinent facts and circumstances in the case

Will I still get WIC Food Benefits?

- Participants who appeal the termination of benefits within the fifteen (15) calendar days of the written notification of termination of benefits shall continue to receive Program benefits until the hearing official reaches a decision or the certification expires, whichever occurs first. This does not apply to applicants denied benefits at initial certification, participants whose certification period has expired or participants who becomes categorically ineligible for benefits. Applicants who are denied benefits at initial certification period (or whose certification period expires) may appeal the denial or termination, but shall not receive benefits while awaiting the hearing.

When will I know the decision?

- You will receive the decision and the explanation for the decision in writing within forty-five (45) days from the day you requested for the fair hearing.

Nondiscrimination Statement:

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

- (1) **mail:** U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) **fax:** (833) 256-1665 or (202) 690-7442; or
- (3) **email:** program.intake@usda.gov.

This institution is an equal opportunity provider.