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**SECTION: CERTIFICATION**

**SUBJECT: Ineligibility**

**ITEM: Criteria for Determination of Ineligibility**

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## **Policy**

The local agency (LA) shall determine a person ineligible for the WIC program if at the certification appointment the applicant does not meet all of the program eligibility criteria. An applicant shall be advised in writing at the time of the ineligibility determination of the reasons for ineligibility and of the right to a fair hearing.

**Note:** A person screened over the telephone for potential WIC eligibility is not considered to have made an application because an applicant must be present at the certification appointment and the required documentation must be presented in order to determine eligibility. Therefore, written notice of ineligibility is not required when a person is advised over the telephone that she or members of her family may not be eligible for the WIC program if they were to apply, e.g., over income.

## **Required Procedures**

- I. The LA shall determine an individual to be ineligible for program benefits when any of the following criteria is applicable at the certification appointment.
  - A. The applicant is a:
    1. Child who is 5 years of age or older,
    2. Nonbreastfeeding woman whose baby is 6 months of age, or older, or
    3. Breastfeeding woman whose baby has attained one year of age.
  - B. The applicant's family income exceeds the maximum income allowable for program eligibility. (Refer to WPM 210-03 and Appendix 980-1060)
  - C. The applicant does not live in California. (Refer to WPM 210-06)
  - D. The applicant does not have an indicator of nutritional need/risk. (Refer to WPM 210-09)
  - E. The applicant is not present at the certification appointment and does not meet an exception stated in WPM 210-07. In this situation the LA shall:

1. Not certify the individual and reschedule the appointment until such time that the individual can be present, OR
  2. Proceed with the ineligibility determination.
- F. The eligibility determination cannot be completed because the applicant fails to provide:
1. Proof of income within 30 days of application and does not meet the self-declaration criteria listed in WPM 210-03; or
  2. Proof of identity and does not meet an exception stated in WPM 270-20; and/or
  3. Proof of address within 30 days of application and does not meet an exception stated in WPM 210-06.

In these situations, the LA shall:

1. Not certify the individual and reschedule the appointment until such time that the individual provides the required documentation, OR
  2. Proceed with the ineligibility determination.
- G. The applicant is not in a priority currently served by WIC due to a program funding shortage. (Refer to WPM 230-10.) As a last resort, and following a complete exploration of alternative actions, the State Agency may require the LA to discontinue accepting applicants whose nutritional and health status would be least impaired by denying program benefits. Such persons shall be placed on a waiting list until the SA notifies the LA that additional priorities may be served.
- H. The LA is already serving 100 percent of its allocated caseload and is placing applicants on a waiting list, due to caseload restrictions. (Refer to WPM 230-20)
- I. The LA determines at the certification appointment that the applicant is currently receiving benefits from the Commodities Supplemental Food Program (CSFP). (Refer to WPM 200-02)
- J. The LA determines the applicant is currently receiving WIC benefits from more than one WIC location (in- or out-of-state.)
- II. When an applicant does not meet the WIC program eligibility requirements at the certification appointment the LA shall:
- A. Accurately complete and issue a *Notice of Action Affecting WIC Program Applicants* (CDPH 4134). The effective date of the action is the date of the ineligibility determination, (i.e., same date as the appointment). A determination

of ineligibility does not require 15 calendar days advance notice to the applicant, nor is it necessary to obtain prior verbal approval from the SA. The CDPH 4134 serves as both the written notice of ineligibility and the notice of the right to a fair hearing, and

- B. Use the Ineligibility function in ISIS when making a determination of ineligibility at the initial certification appointment, or
  - C. Use Disqualify Code 09 “Dual Participation” on the ISIS Disqualify Individual screen to ensure accurate reporting and accountability to USDA when making a determination of ineligibility at a recertification appointment, and
  - D. Not issue food instruments.
- III. The LA shall allow an applicant determined to be ineligible the opportunity to reapply for program benefits when their circumstances change. No waiting period is required if LA caseload is available and the applicant provides additional information regarding their eligibility status. If at the time of reapplication the LA is participating at maximum caseload and is not serving the applicant’s priority, the applicant shall be placed on a waiting list. (refer to WPM 230-20.)

## **Definitions:**

**Applicant** – Pregnant women, breastfeeding women, postpartum women, infants, the breastfed infants of breastfeeding women, and children who are applying to receive WIC benefits. Applicants include individuals currently participating in the program but are re-applying because their certification period will or has expired.

**Dual Participation** – When an individual is receiving WIC benefits from more than one WIC location in- or out-of-state; or, when an individual is receiving WIC benefits and CSFP benefits, simultaneously.

**Ineligibility** – The determination that an individual is not eligible to begin receiving WIC program benefits.

## **Authority**

7 CFR 246.7 (c)(1),(d)(2),(e),(f)(1),(h)(3),(j)(5),(l)(2), and (p)

Title 22 CCR 40611; 40671; 40673; 40675 (a) (1); and 40681 (e)