

**Subject: Ineligibility****Item: Criteria for Determination of Ineligibility**

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**PURPOSE:**

To describe the procedures to determining an applicant ineligible.

**POLICY:**

- I. The local agency (LA) must 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 must be advised in writing at the time of the ineligibility determination of the reasons for ineligibility and of the right to a fair hearing.
- II. 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).

**PROCEDURE(S):**

- I. The LA must 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. Non-breastfeeding woman whose baby is 6 months of age, or older.
    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. (WPPM 210-03 and 980-1060)
  - C. The applicant does not live in California. (WPPM 210-06).
  - D. The applicant does not have an indicator of nutritional need/risk. (WPPM 210-09).
  - E. The applicant is not present at the certification appointment and does not meet an exception stated in WPPM 210-07. In this situation the LA must:
    1. Not certify the individual and reschedule the appointment until such time that the individual can be present.
    2. Proceed with the ineligibility determination.
  - F. The eligibility determination cannot be completed because the applicant fails to provide:

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1. Proof of income within 30 days of application and does not meet the self-declaration criteria listed in WPPM 210-03.
  2. Proof of identity and does not meet an exception stated in WPPM 270-20.
  3. Proof of address within 30 days of application and does not meet an exception stated in WPPM 210-06.
- G. In these situations, the LA must:
1. Not certify the individual and reschedule the appointment until such time that the individual provides the required documentation.
  2. Proceed with the ineligibility determination.
- H. The applicant is not in a priority currently served by WIC due to a program funding shortage (WPPM 230-10). As a last resort, and following a complete exploration of alternative actions, CDPH/WIC may require the LA to discontinue accepting applicants whose nutritional and health status would be least impaired by denying program benefits. Such persons must be placed on a waiting list until CDPH/WIC notifies the LA that additional priorities may be served.
- I. The LA is already serving 100 percent of its allocated caseload and is placing applicants on a waiting list, due to caseload restrictions. (WPPM 230-20)
- 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 must:
- 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, (e.g., 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 CDPH/WIC. The CDPH 4134 serves as both the written notice of ineligibility and the notice of the right to a fair hearing.
  - B. Use the Ineligibility function in WIC management information system (WIC MIS) when making a determination of ineligibility at the initial certification appointment.
  - C. Use Disqualify Code 09 "Dual Participation" on the WIC MIS "Disqualify Individual" screen to ensure accurate reporting and accountability to USDA when making a determination of ineligibility at a recertification appointment.
  - D. Not issue food instruments.
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III. The LA must 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 must be placed on a waiting list. (WPPM 230-20)

**AUTHORITY:**

[7 CFR §246.7](#)

[22 CCR §40671](#)

[22 CCR §40673](#)

[22 CCR §40675\(a\)\(1\)](#)

[22 CCR §40681\(e\)](#)

**CROSS REFERENCE:**

WPPM 210-03

WPPM 210-06

WPPM 210-07

WPPM 210-09

WPPM 230-10

WPPM 230-20

WPPM 270-20

WPPM 980-1060