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Mandatory and Optional Mid-Certification Actions

Policy

USDA Federal Regulations: Mandatory and optional mid-certification actions. Mid-certification actions are either mandatory or optional as follows:

Mandatory reassessment of income eligibility during certifications

246.7(h)(1) Mandatory reassessment of income eligibility mid-certification.

(i) The local agency must reassess a participant's income eligibility during the current certification period if the local agency receives information indicating that the participant's household income has changed. However, such assessments are not required in cases where sufficient time does not exist to effect the change. Sufficient time means 90 days or less before the expiration of the certification period.

(ii) Mandatory disqualification mid-certification for income ineligibility. The local agency must disqualify a participant and any other household members currently receiving WIC benefits who are determined ineligible based on the mid-certification income reassessment. However, adjunctively-eligible WIC participants (as defined in paragraphs (d)(2)(vi)(A) or (d)(2)(vi)(B) of this section) may not be disqualified from the WIC Program solely because they, or certain family members, no longer participate in one of the other specified programs. The State agency will ensure that such participants and other household members currently receiving WIC benefits are disqualified during a certification period only after their income eligibility has been reassessed based on the income screening procedures used for applicants who are not adjunctively eligible.

Mandatory sanctions or other actions for participant violations

246.7(2) Mandatory sanctions or other actions for participant violations. The local agency must impose disqualifications, or take other actions in accordance with the procedures set forth in §246.12(u), in response to participant violations including, but not limited to, the violations listed in the definition of Participant violation in §246.2.

Optional actions during certification

246.7(3) Optional mid-certification actions. A participant may be disqualified during a certification period for the following reasons:

(i) A State agency may allow local agencies to disqualify a participant for failure to obtain food instruments, cash-value vouchers or supplemental foods for several consecutive months. As specified by the State agency, proof of such failure includes failure to pick up supplemental foods, cash-value vouchers or food instruments, nonreceipt of food instruments or cash-value vouchers (when mailed instruments or vouchers are returned), or failure to have an electronic benefit transfer card revalidated for purchase of supplemental foods; or

(ii) If a State agency experiences funding shortages, it may be necessary to discontinue Program benefits to some certified participants. The State agency must explore alternatives (such as elimination of new certifications) before taking such action. In discontinuing benefits, the State agency will affect the least possible number of participants and those whose nutritional and health status would be least impaired by the

action. When a State agency elects to discontinue benefits due to insufficient funds, it will not enroll new participants during that period. The State may discontinue benefits by: (A) Disqualifying a group of participants; and/or, (B) Withholding benefits from a group with the expectation of providing benefits again when funds are available.

Authority

7 CFR Part 246.7(h)(1)(i-ii)
7 CFR Part 246.7(h)(2)
7 CFR Part 246.7(h)(3)(i-ii)(A-B)

Procedures

What triggers a mandatory reassessment of income between certification appointments?

Situations that trigger a mandatory reassessment of income include:

- A participant who qualified for WIC based on income voluntarily reports a change in income,
- A participant who qualified for WIC based on income, reports a change in their household (e.g. child custody, marriage, divorce, extended family moving in or out) which then results in a change of income or household size, or
- Citizen complaints of alleged eligibility violations.

Reassessment of income is not required if there are 90 days or less before the participant's certification end date.

Adjunctively income-eligible participants are not required to contact WIC to report changes in their status in programs that make them eligible for WIC in the mid-certification period.

- If a change is reported however, reassess the participant's eligibility using the standard adjunctive eligibility and if needed, income determination procedures for a certification.
    - If an individual is found to be no longer adjunctively eligible and is also not income eligible, that participant as well as any other household members whom that participant conferred eligibility to, must be terminated.
        - These terminated participants must receive a 15-day notice of termination and be allowed to use their food instruments for the current month.
            - If the 15 days extends into the following month, benefits for that month should be issued as well.

Other mid-certification actions

- See Termination policy for information related to failure to receive food benefits.
- See Participant Violations and Sanctions policy for information related to participant violations and sanctions.
- The State office will provide guidance in the case of a funding shortage that results in currently certified participants having their food benefits discontinued.

Best Practices

Each participant should be informed at each certification that they have a responsibility to report changes in income when they occur, however local agencies are not required to ask about such changes throughout a participant's certification period.