



Special Supplemental Food Program  
(Women, Infants, and Children Overseas Program)

Policy Manual

Effective: September 1, 2014



## Table of Contents

|   |           |
|---|-----------|
| <b>1. INTRODUCTION.....</b>   | <b>1</b>  |
| <b>2. PARTICIPANT PROCESSING.....</b>   | <b>1</b>  |
| 2.1. The Application Process .....  | 1         |
| 2.1.1. Certification .....  | 2         |
| 2.1.2. Verification of Certification (VOC) .....                                  | 3         |
| 2.1.2.1. Transfers Between Sites Served by the WIC Overseas Program .....         | 3         |
| 2.1.2.2. Transfers from the Domestic WIC Program into the WIC Overseas Program .. | 4         |
| 2.1.2.3. Transfers from the WIC Overseas Program into the Domestic WIC Program .. | 4         |
| 2.2. Categorical Eligibility and Certification Periods .....                      | 4         |
| 2.3. Income Eligibility .....   | 5         |
| 2.3.1. Economic Unit .....  | 5         |
| 2.3.2. Type of Income Included and Excluded .....                                 | 5         |
| 2.3.3. Income Eligibility Guidelines.....   | 8         |
| 2.3.4. Documentation of Income .....  | 8         |
| 2.3.5. Changes in Income During the Certification Period .....                    | 8         |
| 2.4. Participant Type Eligibility and Documentation .....                         | 9         |
| 2.5. Residential Eligibility and Documentation .....                              | 10        |
| 2.6. Nutritional Assessment .....   | 10        |
| 2.6.1. Hematological Assessment .....   | 10        |
| 2.7. Program Violations, Sanctions, and Appeals .....                             | 11        |
| 2.7.1. Providing False Information Related to Eligibility .....                   | 11        |
| 2.7.2. Program Violations and Sanctions .....                                     | 11        |
| 2.7.3. Dual Enrollment and Dual Participation.....                                | 13        |
| 2.8. Notification of Ineligibility.....   | 14        |
| <b>3. CLINICAL SERVICES.....</b>  | <b>14</b> |
| 3.1. Nutrition Education.....   | 14        |
| 3.2. Breastfeeding Promotion and Education.....                                   | 14        |
| 3.3. Health and Social Service Screening and Referrals .....                      | 16        |
| 3.4. Food Packages .....  | 16        |
| 3.4.1. Nutritional Requirements of Authorized Foods.....                          | 17        |

|  |           |
|--|-----------|
| <b>4. FOOD DELIVERY SYSTEM .....</b>                             | <b>20</b> |
| 4.1. Commissaries and NEXMARTs as WIC Overseas Food Vendors..... | 20        |
| 4.1.1. Authorized Locations for Use of WIC Overseas Drafts ..... | 21        |
| 4.2. Draft Issuance and Usage .....                              | 21        |
| 4.2.1. Draft Issuance Process .....                              | 21        |
| 4.2.2. Instruction in Use of WIC Overseas Drafts.....            | 21        |
| 4.2.3. Proxies .....   | 22        |
| 4.3. Food Item Approval Management.....                          | 22        |
| 4.3.1. Establishment of the Allowable Food List.....             | 22        |
| 4.3.2. Management and Revision of the Allowable Food List .....  | 23        |
| <b>5. ADMINISTRATIVE APPEALS AND CIVIL RIGHTS .....</b>          | <b>23</b> |
| 5.1. Right to Appeal Ineligibility or Termination .....          | 23        |
| 5.2. Civil Rights Notification, Complaints and Follow-Up .....   | 23        |
| <b>6. OPERATIONS AND ADMINISTRATION .....</b>                    | <b>24</b> |
| 6.1 Confidentiality of Participant Information.....              | 24        |
| 6.2. System Security .....                                       | 24        |

# Special Supplemental Food Program (Women, Infants, and Children Overseas Program)

---

## 1. Introduction

The Special Supplemental Food Program for Women, Infants, and Children Overseas provides supplemental foods and nutrition education to members of the armed forces assigned outside the 50 United States, the District of Columbia, and U.S. territories and possessions and to eligible civilians serving with, employed by, or accompanying the armed forces outside the U.S. and its territories and possessions. This program is governed by 10 U.S.C. 1060a and CFR Part 199.23. The benefit is similar to the benefit provided under the U.S. Department of Agriculture administered Women, Infants, and Children (WIC) Program. The following sections provide the specifics of the eligibility requirements, certification process, nutrition education requirements, food delivery system, and the appeal process.

## 2. Participant Processing

This section describes the application and certification process for participation in the WIC Overseas Program. It explains the:

- Application Process
- Eligibility Criteria
  - Categorical
  - Income
  - Participant type
  - Residential

### 2.1. The Application Process

An application to receive WIC Overseas services is made when the applicant first visits or calls the WIC Overseas site and makes a request for Program services.

All initial appointments must comply with the applicant processing standards below.

| <b>WIC Overseas Applicant Processing Standards for New Certifications</b> |  |
|---|--|
| <b>Participant Category or Subcategory</b>                                | <b>Processing Standard Requirement</b>                   |
| Pregnant Women  | No Later Than 10 Calendar Days from Request for Services |
| Infants Younger Than 6 Months   | No Later Than 10 Calendar Days from Request for Services |
| All Others  | No Later Than 20 Calendar Days from Request for Services |

## **Special Supplemental Food Program (Women, Infants, and Children Overseas Program)**

---

Pre-certification and screening of an applicant may be conducted over the telephone. When an individual contacts a WIC Overseas site for information regarding eligibility, the staff at the site will determine whether the applicant is categorically and participant type eligible. If the applicant is categorically and participant type eligible, staff will consult the income guidelines table to determine whether they meet financial eligibility. If the applicant meets the financial eligibility requirements, staff will schedule a certification appointment.

It is expected that applicants be physically present in the WIC Overseas office for the certification process. The physical presence of an individual at certification is basic to program effectiveness. The physical presence requirement not only improves program accountability and integrity, it also facilitates an individual's access to other needed health and social services.

Physical presence is based on public health standards of practice for nutrition and health assessment. That process entails gathering objective and subjective information about the applicant through observation and physical assessment. Physical presence of and staff contact with the applicant also enables the staff to more effectively assist WIC Overseas participants with nutrition and health needs. Requiring physical presence is also beneficial to Program participants. It permits the individual including young children, to actively participate in the nutrition education counseling and learn ways to improve their eating habits.

### ***2.1.1. Certification***

Infants, children, and pregnant, breastfeeding and postpartum women are registered and certified for the WIC Overseas Program using the Participant Information Management System (PIMS).

An applicant may be entered into PIMS as one of the following Category Types: pregnant woman (up to 6 weeks postpartum); breastfeeding woman (up to 1 year postpartum); non-breastfeeding postpartum woman (up to 6 months postpartum); infant (fully or partially breastfed or fully formula fed up to age one); or child (up to age five).

Participant Type will be entered into PIMS. Participant Types include: a member of the armed forces stationed overseas, a civilian employee of a "military department" stationed overseas, a civilian employee of a DoD contractor stationed overseas, a civilian employee of the Defense Commissary Agency stationed overseas, a civilian employee of the DoD Education Activity stationed overseas, a dependent of a member of the armed forces stationed overseas, a dependent of a civilian employee of a "military department" stationed overseas, a dependent of a civilian employee of a DoD contractor stationed overseas, a dependent of a civilian employee of the Defense Commissary Agency stationed overseas, and a dependent of a civilian employee of the DoD Education Activity stationed overseas.

Further information, including demographic, financial, and the nutritional assessment data, must be entered into PIMS in order to certify an applicant for participation in WIC Overseas. If an applicant meets categorical, participant type, residential and income criteria, they will be certified as an eligible WIC Overseas participant. If an applicant does not meet the criteria for WIC Overseas eligibility, PIMS will indicate the applicant is ineligible for WIC Overseas services, and they will be found ineligible. Staff will print a Notice of Ineligibility from PIMS. One copy is given to the applicant/participant and one copy will be placed in the applicant's/participant's file.

## **Special Supplemental Food Program (Women, Infants, and Children Overseas Program)**

---

### ***2.1.2. Verification of Certification (VOC)***

The process by which a certification is transferred is referred to as a “Verification of Certification” or VOC. In general, the site where the participant is leaving issues a VOC document to the transferring participant, which he or she presents to the site in the new area where he or she relocates. A VOC form must contain at a minimum, the following information:

- Participant name
- Beginning and ending dates of certification period
- The nutritional assessment findings
- The most recent month for which drafts were issued
- Printed name and signature of a site official
- Name and Address of the certifying site
- The date and result of last Hemoglobin/Hematocrit, if performed

An individual who has been certified for the WIC Overseas Program is eligible to participate until the end of the current certification period, even if the individual transfers with a verification of certification (VOC) to a different location. To continue service at the new site, verification of the participant’s income is not necessary when a VOC is presented.

When a participant transfers-in, they need to show an identification card for each applicant/participant. If the participant is an infant or child without an identification card, sponsor’s orders showing child’s name, DEERS printout, an immunization record, birth certificate, or other record considered adequate by the site to establish identity, is required. A copy of the orders assigning them to the new location and a VOC for each participant is also required.

This policy applies to:

1. Transfers between sites served by the WIC Overseas Program.
2. Transfers from the domestic WIC Program into the WIC Overseas Program.
3. Transfers from the WIC Overseas Program into the domestic WIC Program.

#### ***2.1.2.1. Transfers Between Sites Served by the WIC Overseas Program***

An individual who participates in any site served by the WIC Overseas Program and who is moving or being transferred to another area should ask the site to issue a verification of certification form. WIC Overseas staff will verify that the military installation, which the participant is being transferred, has a WIC Overseas Program. If so, staff will initiate a transfer out visit in PIMS. This will include printing a copy of the Participant Profile Report, which will be stamped ‘VOC’, signed and dated by the site staff and will be stamped or annotated with the

## **Special Supplemental Food Program (Women, Infants, and Children Overseas Program)**

---

site address. The Participant Profile Report, which indicates a transfer out visit, is used as the VOC document for the WIC Overseas Program. A copy of the VOC is also placed in the participant file. If the participant has unused drafts, they should be advised to keep these drafts as they may be used at the Commissary/NEXMART at their new overseas location.

### ***2.1.2.2. Transfers from the Domestic WIC Program into the WIC Overseas Program***

An individual with a current VOC from a domestic WIC Program is eligible for the WIC Overseas Program provided he or she meets the participant type requirement. Domestic participants who do not meet WIC Overseas participant type requirements, such as employees of DoD agencies and retirees living abroad without logistical support, are not eligible. If the participant has unused drafts from the domestic program, they may not be used in overseas Commissaries or NEXMARTs. WIC Overseas staff will collect the domestic WIC Program drafts, and destroy or return them to the issuing domestic WIC Program office.

### ***2.1.2.3. Transfers from the WIC Overseas Program into the Domestic WIC Program***

An individual who participates in any site served by the WIC Overseas Program and who is moving or being transferred to an area served by the domestic WIC Program should advise the site staff of the transfer to ensure that VOC paperwork is completed and given to them. WIC Overseas staff will assist transferring participants by providing them with domestic WIC Program State Agency phone numbers. This listing is available over the Internet from the Food and Nutrition Service, USDA at [www.fns.usda.gov/wic/](http://www.fns.usda.gov/wic/). The State Agency should then be able to advise the participant of the nearest local WIC Agency. The participant may also be referred to the local telephone directory of their new location. WIC Overseas drafts may not be used in local grocery stores or Commissaries and NEXMARTs in the United States. The participant should contact the local domestic WIC Agency and be “transferred” to the program there. If the WIC Overseas participant presents unused drafts to the domestic program at the time of the transfer, the domestic program may, at their discretion, collect and exchange them for their own drafts.

## ***2.2. Categorical Eligibility and Certification Periods***

Persons who meet all eligibility criteria may participate in the WIC Overseas Program. WIC Overseas services are categorically available to pregnant women, breastfeeding women, non-breastfeeding postpartum women, infants under one year of age and children (one to five years of age) who meet all additional eligibility requirements.

- Pregnant women are certified to six weeks postpartum.
- Breastfeeding women are certified at intervals of six months, ending with the last day of the month of the breastfed infant’s first birthday.
- Non-Breastfeeding Postpartum women are certified to six months postpartum, ending with the last day of the sixth month.
- Infants are to be certified for a period extending up to their first birthday with a minimum certification period of six months. The certification end date extends to the last day of

## Special Supplemental Food Program (Women, Infants, and Children Overseas Program)

---

the birth month if the birthday is used or exactly six months from the start of certification if the minimum six-month period is used.

- Children are to be certified at intervals of approximately six months, ending with the last day of the month in which a child reaches the fifth birthday.

### 2.3. *Income Eligibility*

Income eligibility is based on a combination of the income of the applicant and the number of individuals being supported by that income (referred to as an “economic unit”). This section defines economic unit, types of income included and excluded, income eligibility guidelines, income documentation requirements, and policies regarding changes in income during the certification period.

#### 2.3.1. *Economic Unit*

Individuals physically residing in the household are defined as an economic unit. An exception to this is foster children. For purposes of WIC Overseas income eligibility, each foster child within a household is considered an economic unit of one as long as the child remains the legal responsibility of another agency. The payments made by the welfare agency or from any other source for the care of that child are considered to be the income of that child. An adopted child or a child for whom a family has legal guardianship is counted in the size of that family.

The offspring of a dependent of an eligible sponsor, such as an infant of the dependent of an eligible sponsor, is considered a part of the household economic unit of the sponsor. Such an infant is eligible for WIC Overseas services for up to two months after birth. In cases where the military sponsor becomes the legal guardian or legally adopts the infant, then the infant may continue in the program if all other eligibility requirements are met.

For purposes of determining an economic unit, a pregnant woman's family size (or economic unit) may be increased by the number of embryos or fetuses in utero. The same increased family size may also be used for any of the pregnant woman's categorically eligible family members.

A WIC Overseas family who has joint custody of a child that does not permanently reside in the overseas household, may count this child in the economic unit; however, the monetary support provided to the other parent/guardian where the child lives is not subtracted from the gross income. The addition to the economic unit is the only deviation allowed to the regular program policy of residing in the overseas household. A court order is required to document joint custody.

#### 2.3.2. *Type of Income Included and Excluded*

The applicant's income is to be determined by reviewing all possible sources of income. The applicant should specify any money they and any other member of their family received throughout the year. It should be explained to the applicant that all income information must be complete and accurate and that falsification of or withholding sources of income is grounds for termination from the program. For purposes of WIC Overseas income eligibility, total family income is defined as all earned income, including wages, salaries, tips, voluntary salary deferrals,

## Special Supplemental Food Program (Women, Infants, and Children Overseas Program)

---

child support, alimony, retirement and other pension income, etc. All earned income before deductions for taxes, social security, etc will be included. Cost of living (COLA), basic allowance for housing (BAH), family separation allowance, or contributions to the GI bill will not be included in total income. On civilian leave and earning statements or pay stubs, housing allowance, living quarters allowance, post allowance and post differential allowance will be subtracted from the **gross income** in order to determine the income amount. For a list of included and excluded types of income for members of the armed forces, civilian and contract employees stationed overseas, consult Exhibit 1.

# Special Supplemental Food Program (Women, Infants, and Children Overseas Program)

## EXHIBIT 1

### LIST OF INCLUDED AND EXCLUDED ITEMS

#### INCLUDED ITEMS

**Basic Pay:**

Active Duty  
Attendance at designated Service school  
Back wages  
Drills  
Reserve training  
Training duty

**Special Pay:**

Aviation career incentives  
Career Sea Pay  
Diving duty  
Foreign duty  
Foreign language proficiency pay (FLPP)  
Hazardous duty incentive pay (HDIP)  
Medical and dental officers' pay  
Parachute Pay  
SAVE Pay  
Special duty assignment pay

**Bonuses:**

Enlistment  
Reenlistment (prorate over enlistment period)

**Other Payments:**

Basic allowance for subsistence (BAS)  
Clothing/CMA (Clothing Maintenance Allowance)  
Personal money allowances  
Student loan repayment  
Military retirement or pensions or veterans' payments

**ADDITIONAL NON-MILITARY INCLUDABLE ITEMS:**

- A) Monetary compensation for services, including wages, salary, commissions or fees.
- B) Elterngeld/Kindergeld/Japanese Child Allowance/UK Child Benefit/UK Pregnancy Grant
- C) Alimony or child support payments
- D) Social Security benefits
- E) Dividends or interest on savings or bonds, income from estates or trusts, or net rental income.
- F) Public Assistance (including FSP) or welfare payments.
- G) Unemployment compensation
- H) Government civilian employee retirement or pensions.
- I) Private pensions or annuities
- J) Net income from farm and non-farm self-employment
- K) Regular contributions from persons not living in the household
- L) Net royalties, and
- M) Other cash income. Other cash income includes, but is not limited to cash amounts received or withdrawn from any other source including savings investments; trust account and other resources, which are readily available to the family.

#### EXCLUDED ITEMS

**Cost of Living Allowance/Currency Adjustment**

Post Allowance/Post Differential Allowance

**Housing Allowances:**

Basic Allowance for Housing (BAH)/Living Quarters Allowance (LQA)  
Variable Housing Allowance (VHA)

**Special Pay:**

Hardship Duty Pay-Involuntary (HDP-I)  
Hardship Duty Pay-Location (HDP-L)  
Hardship Duty Pay-Mission (HDP-M)  
Hostile Fire/Imminent Danger (HFP/IDP)  
Stop-Loss

**Family Allowances:**

Dependent educational expenses  
Emergencies  
Evacuation to place of safety  
Separation

**Death Allowances:**

Burial Services  
Death gratuity payments  
Travel of dependents to burial site

**Moving Allowances:**

Dislocation  
Move-in housing (MIHA)  
Moving household/personal items  
Moving trailers/mobile homes  
Storage  
Temporary lodging expenses

**Travel Allowance:**

Dependent students annual round trip  
Leave between consecutive overseas tours  
Per Diem

**Other Payments:**

Defense counseling  
Disability  
Family Subsistence Supplemental Allowance (FSSA)  
Group-term life insurance  
Professional education/GI Bill Benefits  
ROTC educational allowance  
Survivor protection plan premiums  
Legal assistance

**In-Kind Military Benefits**

Travel on government aircraft  
Medical/Dental care  
Commissary/exchange discounts

## Special Supplemental Food Program (Women, Infants, and Children Overseas Program)

---

### 2.3.3. *Income Eligibility Guidelines*

The most current U.S. Department of Agriculture (USDA) income eligibility guidelines for Alaska will be used. WIC Overseas will incorporate new income eligibility guidelines when released by USDA. USDA releases revised income guidelines on an annual basis.

### 2.3.4. *Documentation of Income*

For members of the armed forces, a Leave and Earnings Statement (LES) will be used as proof of income verification. For participants who are civilian employees or for dependents who are employed or receive additional income, income documentation will be required in the form of one or more of the following items:

- Civilian Leave and Earning Statement
- Paycheck stub(s) showing wages for all members of the household unit who are gainfully employed.
- A letter from an employer stating wages earned for a specific time period.
- An income tax return from the previous year, which shows the income for all members of the household unit who filed a tax return. This option should rarely be used as it is not reflective of current income.

If an applicant does not bring income documentation or brings partial income documentation to the new certification appointment, staff will attempt to determine financial eligibility by estimating income using rank and time in service for military personnel. A conditional certification will allow program participation for thirty days and requires income documentation be brought within that timeframe for continued service. When selecting the conditional checkbox, no income information will be entered into PIMS.

In the rare case where an applicant has a home business or job where no written documentation is ever given, their written self-report will be accepted as proof of income. Self report will not be allowed simply because documentation was not brought to the appointment.

### 2.3.5. *Changes in Income During the Certification Period*

If the WIC Overseas staff becomes aware of an increase in a participant's family income during a certification period, the participant may be reassessed for income eligibility. If this reassessment shows that a participant's family income has increased to a level above the monetary amount allowed by the income guidelines, the participant's certification period is terminated.

The situation described above may occur when an additional family member applies for WIC Overseas participation while another family member is currently certified and receiving WIC Overseas services. For example, a child may be on WIC Overseas and during the child's certification period, the mother may apply for WIC Overseas services as a Pregnant Woman. If the family's reported income exceeds income guidelines (including the unborn infant as part of the economic unit) not only must the applicant be denied WIC Overseas participation, the child

## Special Supplemental Food Program (Women, Infants, and Children Overseas Program)

---

who is currently certified must also be terminated from WIC Overseas participation. WIC Overseas participants who are due drafts and who are terminated within a certification period because they are no longer financially eligible should receive the following:

- Current month food package and drafts.
- Notice of Ineligibility stating that they are no longer financially eligible and that they are immediately terminated from the WIC Overseas Program. The Certified Professional Authority (CPA) should advise the participant of their right to appeal the termination.

### *2.4. Participant Type Eligibility and Documentation*

Applicants who meet participant type eligibility shall include persons who (1) are members of the armed forces stationed overseas; (2) are dependents of a member of the armed forces stationed overseas; (3) are civilian employees of a "military department" stationed overseas; (4) are dependents of a civilian employee of a "military department" stationed overseas; (5) are civilian employees of a Department of Defense (DoD) contractor stationed overseas; and, (6) are dependents of a civilian employee of a DoD contractor stationed overseas. The following agencies have been approved by DHA as exceptions to the existing eligibility classifications and are eligible:

- Defense Commissary Agency (DeCA).
- DoD Education Activity (DoDEA) – teachers/staff working for the Department of Defense Dependents Schools (DoDDS) are employed by this activity.

Civilian employees of Defense Agencies and of DoD Field Activities are not eligible for WIC Overseas. They are not employees of a "military department" as specified in 10 US Code, Sec. 1060a.(f). Members of the Public Health Service (PHS) and the National Oceanic and Atmospheric Administration (NOAA) are also not eligible for WIC Overseas.

#### **DoD Agencies and DoD Field Activities Not Eligible for WIC Overseas**

##### **DoD Agencies:**

Ballistic Missile Defense Organization  
Defense Advanced Research Projects Agency  
Defense Contract Audit Agency  
Defense Finance & Accounting Service  
Defense Health Agency  
Defense Information Systems Agency  
Defense Intelligence Agency  
Defense Legal Services Agency  
Defense Logistics Agency (Includes: Defense Supply Personnel Center)  
Defense Security Assistance Agency  
Defense Security Service  
National Imagery and Mapping Agency  
National Security Agency  
Treaty Compliance & Threat Reduction Agency

## Special Supplemental Food Program (Women, Infants, and Children Overseas Program)

---

### **DoD Field Activities:**

American Forces Information Service  
Office of Economic Adjustment  
Washington Headquarters Service  
DoD Human Resources Activity  
Defense POW/MP Office

All WIC Overseas participants must provide proof of participant type classification at the time of certification. Members of the armed forces are required to provide the appropriate military orders or extension paperwork, while civilian employees of a "military department" or employees of a DoD contractor are required to provide similar appropriate documentation.

### ***2.5. Residential Eligibility and Documentation***

Applicants must be assigned and reside in the geographic area served by the WIC Overseas office where they will be enrolled as participants.

All WIC Overseas participants must provide proof of residency at their first appointment. Members of the armed forces are required to provide the appropriate military orders while civilian employees of a "military department" or employees of a DoD contractor, DeCA or the DoD Education Activity are required to provide similar documentation such as orders or a letter of employment stating logistical support is provided.

### ***2.6. Nutritional Assessment***

Once the applicant is found to be eligible based on income and residential factors, a CPA will conduct a nutritional assessment. The nutritional assessment is needed to determine the most appropriate food package and to identify the nutritional education needed by the participant. The nutritional assessment is based on an evaluation of:

- Anthropometric data (length or stature, weight, head circumference)
- Biochemical data (hematocrit or hemoglobin)
- Dietary data
- Medical health history

#### ***2.6.1. Hematological Assessment***

A hematological measurement (*i.e.*, hematocrit or hemoglobin), while not required at the time of certification, is required for WIC Overseas participants. For pregnant women and children, a hematocrit or hemoglobin value must be obtained from the Military Medical Treatment Facility or Host Nation Provider within 90 days of the date of certification.

## **Special Supplemental Food Program (Women, Infants, and Children Overseas Program)**

---

For breastfeeding and non-breastfeeding postpartum women, blood work must be performed subsequent to the termination of their pregnancy and the results must be presented to WIC Overseas staff within 90 days of application.

Infants must have a hematological test for anemia during the infancy period, preferably between 9 and 11 months of age. It is recommended that preterm and low birth weight infants who were not fed iron-fortified formula be screened before 6 months of age.

A hematocrit value must be obtained between 12 and 24 months of age (preferably between 15 and 18 months) for children. A hematocrit value must be obtained at least annually for children over the age of 2 years.

These tests are normally performed by the MTF or Host Nation Provider during the participant's regular Primary Care Manager appointments.

### ***2.7. Program Violations, Sanctions, and Appeals***

This section discusses program violations, sanctions and appeals as related to improper certification and draft usage activities.

#### ***2.7.1 Providing False Information Related to Eligibility***

It is a violation of WIC Overseas Program regulations for an applicant to provide false information regarding their categorical status, residency, household income, household size, age or any other material fact used to determine their eligibility for the Program. Providing false information is grounds for denial of an application, or for immediate termination from the program. If the applicant is a dependent of an active duty sponsor, the sponsor may be subject to disciplinary action as well.

#### ***2.7.2. Program Violations and Sanctions***

Participants' compliance with WIC Overseas Program regulations is essential to maintain the financial and nutritional integrity of the program. The most effective means to insure compliance is through thorough education concerning the reasons for particular rules. However, it is also necessary to have an enforcement mechanism. Participants who violate program regulations are subject to sanction in accordance with the schedule below.

Whenever a participant is suspected of a program violation or the WIC Overseas staff receives information from a third party of an alleged violation, the allegation will be thoroughly reviewed for validity. If there is merit to the allegation, a memorandum describing the alleged violation and the WIC Overseas policy governing the actions will be prepared and forwarded to the Program Manager/and or local Command for investigation and action. Upon investigation a recommendation regarding the allegation will be made. If a violation has occurred, the WIC Overseas staff will document the violation in the participant's file. Once the violation is recorded, a notice identifying the violation and the sanction to be applied must be provided to the participant.

## Special Supplemental Food Program (Women, Infants, and Children Overseas Program)

---

Program violations can be based on improper use of drafts, improper behavior in the site or providing false information. There are two categories of violations. Violations categories are provided below. For violations in the first category, participants receive a written warning. For violations in the second category, participants are suspended from the program for six months. At the end of the six-month period, the individual may reapply and be recertified for the program in order to participate again.

### Category I:

The following violations of WIC Overseas Program regulations may result in a written warning for the first instance within a twelve-month period:

1. Using or attempting to use drafts prior to the first valid day of use or after the last valid day of use.
2. Attempting to cash drafts for more than the value of the foods listed.
3. Purchasing or attempting to purchase non-approved brands or types of WIC Overseas foods (i.e., incorrect brands of cereal, juices, etc.).
4. Not signing the draft at the time of use.
5. Using or attempting to use a draft that was signed in advance of the transaction.
6. Attempting to purchase more than the quantity of foods specified on the draft.
7. Verbal harassment of WIC Overseas staff.
8. Verbal harassment of a Commissary or NEXMART employee.
9. Redeeming drafts that were reported as lost or stolen.

### Category II:

The following violations may result in a six-month suspension:

10. Using or attempting to use a WIC Overseas draft that was issued to another participant without their permission.
11. A second instance within a twelve-month period of a violation numbered 1 through 9. (This includes two instances of a single violation, or one instance of two separate violations.)
12. Purchasing or attempting to purchase non-WIC Overseas types of foods or non-food items with drafts (meat, deli foods, etc.).
13. Attempting to sell, return, or exchange foods for cash or credit.
14. Receiving or attempting to receive cash for a WIC Overseas draft.

## Special Supplemental Food Program (Women, Infants, and Children Overseas Program)

---

15. Altering the food items or quantities of food on a draft.
16. Receiving and using/attempting to use more than one set of drafts from more than one location for the same time period.
17. Knowing and deliberate misrepresentation of circumstances to obtain services (resulting in a false determination of eligibility).
18. Attempting to steal WIC Overseas drafts from a local site or participant.
19. Threatened or actual physical abuse of a site, Commissary, or NEXMART employee.
20. Attempting to pick up drafts for a child that is not currently in the person's care.

A fifteen day notice is provided prior to all suspensions. Participants must be informed in writing of the reason for the suspension and the right to file an appeal. A participant who appeals a suspension within fifteen days is entitled to continue receiving services until the appeal is settled.

A suspension generally applies to all members of a family participating in the program. However, the CPA may waive the suspension for one or more members of the family if it is determined that a serious health risk may result from program suspension. The basis for the waiver must be documented in the participant's file.

For violations related to improper use of drafts, one or more draft(s) improperly used at the same time constitutes a single violation. If an additional draft is used improperly before the written notice of the first violation is received, a violation is not charged for that instance, unless it is a violation that requires a suspension from the program (i.e., items 10 through 20).

### ***2.7.3. Dual Enrollment and Dual Participation***

Applicants are advised when they apply that an individual may not participate in the WIC Overseas Program at more than one location concurrently, and may not receive drafts from more than one location for the same month. An individual who has used or attempted to use drafts from more than one location for the same time period is considered a dual participant, has violated program regulations, and is subject to sanction.

An individual may temporarily be enrolled in more than one site, if he or she transfers between sites and the record from the original site is not terminated immediately. The individual has not violated program regulations as long as he or she does not attempt to use drafts from both sites for the same time period. A participant who transfers with a WIC Overseas VOC and has some of his or her drafts replaced is not considered a dual participant.

Sites upload participant data files to a central repository in San Antonio, TX at the end of their business day. There, a program is periodically run to determine if there are any dual participants or dual enrollments. If dual participants are identified, the information is investigated and sent to both sites for follow up and appropriate action.

### *2.8. Notification of Ineligibility*

Whenever an applicant is determined to be ineligible, or a participant is being terminated from the WIC Overseas Program, a “Notice of Ineligibility” will be printed by the staff. This form is printed, signed and dated by the staff person who issues it and by the applicant or participant. The original of the form is given to the applicant or participant, and a copy is kept in the applicant/participant file. The applicant or participant is also advised that he or she has the right to appeal the decision. A request for an appeal must be submitted to the WIC Overseas office in writing within ten calendar days of the notice. Applicants or terminated participants are not eligible to receive services pending resolution of the appeal. All appeals will be forwarded to DHA for final review. Individuals who are deemed ineligible or terminated may reapply whenever the circumstances resulting in the service denial or termination have changed.

## **3. Clinical Services**

### *3.1. Nutrition Education*

Nutrition education is provided individually, although group classes may be provided to WIC Overseas participants to provide information and education materials designed to improve health status, achieve positive change in dietary habits, and emphasize the relationships between nutrition and health, all in keeping with the individual participant’s personal, cultural, and socioeconomic needs and preferences. Nutrition education provided through individual sessions or group classes with supporting educational materials shall be made available at no cost to each applicant/participant.

Nutrition education shall be made available to each participant, parent/guardian of a participant, or caretaker of a participant at a rate of at least two contacts during a six-month certification period. Nutrition education shall be provided at the certification appointment and at least one time during a usual six-month certification period.

Nutrition education should be taught in the context of the ethnic and cultural preferences of the participant. Staff shall stress the positive, long-term benefit of nutrition education. When possible, nutrition education shall be provided to the WIC Overseas child participants themselves. Nutrition education information and materials shall be easily understood by participants or their caretakers and shall be presented or developed with the individual’s reading level and language in mind. Nutrition education materials shall be tailored to the participant’s nutrition assessment.

### *3.2. Breastfeeding Promotion and Education*

WIC Overseas shall promote breastfeeding as the norm for infant feeding and support mothers who choose to breastfeed. The definition of breastfeeding shall be “the practice of feeding a mother’s breast milk to her infant or infants on the average of at least once a day.” A breastfeeding woman for purposes of the WIC Overseas Program is a woman who is up to one year postpartum and is breastfeeding her infant(s). Each office will create a positive environment that endorses breastfeeding as the preferred method of infant feeding. Efforts will be made to work collaboratively with other community groups that serve and support pregnant and breastfeeding women. Because the WIC Overseas program provides nutrition services to hundreds of women, it has an unparalleled opportunity to positively influence infant feeding choices.

## Special Supplemental Food Program (Women, Infants, and Children Overseas Program)

---

WIC Overseas shall create a positive environment which promotes exclusive breastfeeding as the norm for infant feeding for approximately the first six months after birth and continued breastfeeding through the infant's first birthday, and thereafter for as long as mutually desired unless medically contraindicated. All pregnant participants shall be provided with culturally appropriate breastfeeding education and encouraged to breastfeed unless contraindicated for health reasons.

WIC Overseas offices shall take proactive measures to establish a breastfeeding friendly environment for WIC Overseas participants. The WIC Overseas Contractor Program Manager shall be responsible for coordinating breastfeeding promotion and the purchase of breastfeeding educational materials. All CPA staff will have basic knowledge on breastfeeding and referral sources in their communities.

All pregnant women shall be asked at their initial certification how they plan to feed their baby. CPAs will provide participants with complete, current information on the benefits and methods of breastfeeding to ensure that the feeding decision is a fully informed one. All pregnant women shall be offered written materials pertaining to the benefits and techniques of breastfeeding, and answers to questions they may have or referrals to services where they may find the assistance they need. The Best Start Breastfeeding Promotion Guide and the American Academy of Pediatrics Recommended Breastfeeding Practices will be the basis for breastfeeding education.

At a minimum, the local WIC Overseas office will:

- Display culturally relevant posters, pictures, and/or literature of women breastfeeding using appropriate techniques (such as position and latch-on).
- Ensure breastfeeding and other educational and promotional materials portray breastfeeding as the normal and preferred method of infant feeding.
- Ensure formula, formula materials, formula logos, bottles and pacifiers are not in view except during use as a teaching aid.
- Avoid distributing magazines that promote or market formula.
- Make a reasonable effort to provide an area for participants who request to breastfeed privately at the office. Due to small office areas at some locations, this may not always be feasible.

Additional Breastfeeding Support provided by the WIC Overseas Program may include:

- Providing breastfeeding supplies, such as washable bra pads, milk storage bags, lanolin and/or manual breast pumps, to breastfeeding participants.
- Loaning electric breast pumps based on the participant's need and in accordance with safe and sanitary procedures.

- Providing information to pregnant and breastfeeding participants about breastfeeding resources and support in the local community. Examples include: lactation consultants, La Leche League, and the New Parent Support Program.
- Working collaboratively with hospitals, health care providers, health clinics, New Parent Support Programs and community groups to increase overall support for breastfeeding outside the WIC Overseas environment and ensure breastfeeding messages are consistent and up-to-date.

### *3.3. Health and Social Service Screening and Referrals*

WIC Overseas staff will assist participants in recognizing social, health and medical problems, including the use of tobacco and alcohol during pregnancy, and emphasize the need for treatment of such problems. WIC Overseas staff will be familiar with and maintain referral information for social, health and medical services and facilities in their local area. When needs are identified, WIC Overseas staff will refer participants to the appropriate service provider and inquire as to whether the participant acted on the referral during their next visit.

### *3.4. Food Packages*

There are seven categories of food packages in the WIC Overseas Program and the USDA WIC Program. Each food package is specified for a different category of participant or a different age within a category as is seen in the infant category. Within these categories, the individual food packages are not only tailored to meet the requirements of participants according to their category type but also their nutritional needs or medical condition. The majority of food packages are distributed across three WIC Overseas drafts, although a few food packages in the infant category are distributed across only one or two drafts.

- Food Package I is designed for Infants birth to 5.9 months.
- Food Package II is for Infants 6 to 11.9 months.
- Food Package III is for Infants, Children and Pregnant, Breastfeeding, and Non-breastfeeding Postpartum Women with special qualifying conditions. This package requires medical documentation and provides special formulas and supplemental medical foods. Additionally, whole milk may be substituted for low fat (1%) milk or nonfat milk for women and children over age two receiving this package whose medical condition would benefit from this substitution. Medical documentation is also required for this change.
- Food Package IV is for Children from one up to five years old. Whole milk is the only milk allowed for children 12-23.9 months. Children age 2 to 5 will be given low fat (1%) milk or nonfat milk as the program standard.
- Food Package V is for Pregnant Women with singleton pregnancies and Partially Breastfeeding Women up to one year postpartum.
- Food Package VI is for Non-breastfeeding Postpartum Women up to six months postpartum.

## Special Supplemental Food Program (Women, Infants, and Children Overseas Program)

---

- Food Package VII is for four categories of women. Fully Breastfeeding Women whose infants do not receive any formula from the program; Women pregnant with two or more fetuses; Women partially breastfeeding multiple infants from the same pregnancy; and Pregnant Women who are also fully or partially breastfeeding singleton infants. Women fully breastfeeding multiple infants receive one and one-half times the food items in this package.

### *Additional Information regarding Food Package III*

Participants who are eligible to receive Food Package III must have one or more qualifying conditions, as determined by a health care professional who is licensed to write medical prescriptions. The qualifying conditions include but are not limited to premature birth, low birth weight, failure to thrive, inborn errors of metabolism, metabolic disorders, gastrointestinal disorders, malabsorption syndromes, immune system disorders, severe food allergies that require enteral formula, and life threatening disorders, diseases and medical conditions that impair ingestion, digestion, absorption or the utilization of nutrients that could adversely affect the participant's nutritional status. This food package may not be issued solely for the purpose of enhancing nutrient intake or managing body weight.

Food Package III is only authorized for infants who have a medically diagnosed formula or food intolerance or food allergy to lactose, sucrose, milk protein or soy protein that requires the use of a special formula. Women and children who have a medically diagnosed food intolerance to lactose or milk protein and require a special formula or medical food may be authorized Food Package III. In Food Package III, child and women participants receive the food items AND special formula/medical foods. Food Package III is not to be used for a participant solely for the purpose of enhancing nutrient intake or body weight without an underlying medically documented qualifying condition.

*Medical Documentation.* All participants receiving Food Package III must have written medical documentation prior to this package being issued. The written medical documentation must include: the qualifying medical condition requiring the special formula/medical food and/or whole milk substitution, the name of the authorized WIC Overseas formula/medical food, including amount prescribed per day and length of time prescribed (30, 60, 90 days).

### *3.4.1 Nutritional Requirements of Authorized Foods*

DHA has identified foods that are acceptable for use in the WIC Overseas Program and will provide this food list to the WIC Overseas contractor, DeCA, and NEXCOM. As new food products are approved by USDA, DHA will consider adding those products to the WIC Overseas food list. Additions are subject to availability in Commissaries and NEXMARTS and cost parameters.

In developing, maintaining and modifying its food package policies, DHA shall consult with the USDA, Food and Nutrition Service. The purpose of this consultation is to ensure relative conformity in the supplemental food benefits of the two programs. In keeping with the mission of the program, the quantities and types of supplemental foods prescribed shall be appropriate for the participant, taking into consideration the participant's age and dietary needs. The nutritional requirements for each food category are defined below:

## Special Supplemental Food Program (Women, Infants, and Children Overseas Program)

---

### Iron-fortified infant formula:

A complete formula not requiring the addition of any ingredients other than water prior to being served in a liquid state, and which contains at least 10 milligrams of iron per liter of formula at standard dilution which supplies .67 kilocalories per milliliter; i.e., approximately 20 kilocalories per fluid ounce of formula at standard dilution.

Additional formulas which do not meet these requirements are authorized when a health care provider determines that the infant has a medical condition which contraindicates the use of infant formula as described above including, but not limited to, metabolic disorders, inborn errors of metabolism, gastrointestinal disorders, malabsorption syndromes, and allergies. Low-calorie formulas are not authorized solely for the purpose of managing body weight of infants. Documentation from the health care provider is required where a formula is required that does not meet the requirements described above.

For women, infants and children with qualifying medical conditions that require special formula or medical foods, documentation from the health care provider is required.

### Infant cereal

Plain infant cereal which contains a minimum of 45 milligrams of iron per 100 grams of dry cereal. Infant cereals containing infant formula, milk, fruit or other non-cereal ingredients are not allowed.

### WIC-eligible medical foods

These are certain enteral products that are specifically formulated to provide nutritional support for individuals with a qualifying condition, when the use of conventional food is precluded, restricted, or inadequate. Such WIC-eligible medical foods must serve the purpose of a food, meal or diet (may be nutritionally complete or incomplete) and provide a source of calories and one or more nutrients; be designed for enteral digestion via an oral or tube feeding; and may not be a conventional food, drug, flavoring, or enzyme.

The following are not considered a WIC eligible medical food: Formulas used solely for the purpose of enhancing nutrient intake, managing body weight, addressing picky eaters or used for a condition other than a qualifying condition (e.g., vitamin pills, weight control products, etc.); medicines or drugs, as defined by the Food, Drug and Cosmetic Act as amended; enzymes, herbs, or botanicals; oral rehydration fluids or electrolyte solutions; flavoring or thickening agents; and feeding utensils or devices (e.g., feeding tubes, bags, pumps) designed to administer a WIC-eligible formula.

### Cereal (hot or cold)

Which contains a minimum of 28 milligrams of iron per 100 grams of dry cereal and not more than 21.2 grams of sucrose and other sugars per 100 grams of dry cereal ( $\leq 6$  grams per ounce).

## Special Supplemental Food Program (Women, Infants, and Children Overseas Program)

---

### Single strength fruit juice or vegetable juice

Must be pasteurized 100% unsweetened juice and contain a minimum of 30 milligrams of vitamin C per 100 milliliters. Juice may be fresh from concentrate, frozen, canned, refrigerated or shelf-stable. Vegetable juice may be regular or low in sodium.

### Pasteurized fluid whole, low fat (1%) or nonfat milk

Must be pasteurized, unflavored, and contain at least 400 IU of vitamin D per quart (100 IU per cup) and 2000 IU of vitamin A per quart (500 IU per cup). May be fluid, shelf-stable, or dried (i.e., powder). Buttermilk is an approved WIC Overseas product.

### Eggs

Fresh shell domestic (U.S.) Medium, Large, Extra Large, White or Brown, Grade A or AA eggs

### Peanut butter

May be regular or reduced fat peanut butter; creamy or chunky, salted or unsalted.

### Mature legumes (dry beans and peas)

Any type of mature dry beans, peas, or lentils in dry-packaged or canned forms. Examples include but are not limited to black beans (“turtle beans”), blackeye peas (cowpeas of the blackeye variety, “cow beans”), garbanzo beans (chickpeas), great northern beans, kidney beans, lima beans (“butter beans”), navy beans, pinto beans, soybeans, split peas, and lentils. All categories exclude soups. May not contain added sugars, fats, oils or meat as purchased. Canned legumes may be regular or lower in sodium content.

### Canned Fish

Canned or pouch light tuna packed in water or oil, including solid and solid pack; chunk, and chunk style and may be regular or lower in sodium content.

Canned or pouch red or pink salmon packed in water or oil, may include bones or skin, and may be regular or lower in sodium content.

Canned mackerel packed in water or oil, may include bones or skin, and may be regular or lower in sodium content.

### Fruits and Vegetables

Any variety of fresh fruit without added sugars. Dried, canned and frozen fruit are not allowed. Any variety of fresh whole or cut vegetable, except white/red/yellow potatoes, without added sugars, fats, or oils. Orange yams and sweet potatoes are allowed.

Herbs and spices; vegetable-grain mixtures, fruit-nut mixtures, fruits and vegetables for purchase on salad bars; ornamental fruits and vegetables such as chili peppers on a string, garlic on a string, gourds, painted pumpkins; fruit baskets and party fruit and vegetable trays are not allowed.

## Special Supplemental Food Program (Women, Infants, and Children Overseas Program)

---

Pickled vegetables, olives, fruit leather and fruit roll-ups are not allowed.

### Whole Wheat Bread/Whole Grain Bread/ Brown Rice/and Whole Wheat Macaroni

Whole wheat bread must conform to FDA standard of identity and whole wheat must be the primary ingredient by weight in all whole wheat bread products and must meet “low saturated fat” and “low cholesterol” definitions.

Whole grain must be the primary ingredient by weight in whole grain bread products.

Brown rice without added sugars, fats, oils and salt is allowed. It may be instant, quick or regular cooking.

Whole wheat macaroni without added sugars, fats, oils and salt is allowed. Whole wheat flour and/or whole durum wheat flour must be the only flours listed in the ingredient list.

### Infant Foods

**Infant fruits:** Any variety of single ingredient commercial infant food fruit without added sugars, starches, or salt. Texture may range from strained through diced.

Mixtures with cereal or infant food desserts (e.g., peach cobbler) are not allowed; however, combinations of single ingredients (e.g., apple-banana) are allowed.

**Infant vegetables:** Any variety of single ingredient commercial infant food vegetables without added sugars, starches, or salt. Texture may range from strained through diced.

Combinations of single ingredients (e.g., peas and carrots) are allowed.

**Infant meat:** Any variety of commercial infant food meat or poultry, as a single major ingredient, with added broth or gravy. Added sugars or salt are not allowed. Texture may range from pureed through diced.

No infant food combinations (e.g., meat and vegetables) or dinners (e.g., spaghetti and meatballs) are allowed.

## **4. Food Delivery System**

### *4.1. Commissaries and NEXMARTs as WIC Overseas Food Vendors*

The successful operation of the WIC Overseas Program requires cooperation and coordination between the local WIC Overseas office and the local Commissaries and NEXMARTs that redeem drafts. Defense Commissary Agency (DeCA) stores and Navy Exchange Markets (NEXMART) in WIC Overseas service areas will provide food, through draft redemption to WIC Overseas participants. No other food vendors are authorized to participate in the WIC Overseas Program. Any new vendor for the WIC Overseas Program must be approved by the DHA Program Manager prior to acceptance of WIC Overseas drafts.

## **Special Supplemental Food Program (Women, Infants, and Children Overseas Program)**

---

### ***4.1.1. Authorized Locations for Use of WIC Overseas Drafts***

WIC Overseas drafts issued at any local WIC Overseas office may be used in all participating overseas Commissaries and NEXMARTs. They may not be used in any other retail locations, including retail grocery stores participating in the domestic WIC Program or stateside Commissaries or NEXMARTs.

### ***4.2. Draft Issuance and Usage***

The food delivery system for the WIC Overseas Program uses paper “drafts” which are generated in the WIC Overseas office and issued to participants. Participants may redeem their drafts at participating Commissaries and NEXMARTs for the types and quantities of foods specified on the face of the draft. The Commissary or NEXMART endorses and deposits the draft just like a personal check. The drafts are processed through commercial banking channels and are cleared through a master WIC Overseas account in CONUS.

#### ***4.2.1. Draft Issuance Process***

Upon being certified as eligible for participation in the WIC Overseas Program, a participant will be issued one or more sets of WIC Overseas drafts, reflecting the monthly food package. Most participants will be issued drafts for a three-month period. A participant who does not present documentation of income at certification and who is conditionally certified will only be issued one month of drafts.

The drafts are printed three to a page. The printed drafts are to be separated and inserted into the WIC Overseas Participant Identification Folder. The Participant Identification Folder also serves as the program identification card. The identification area on the inside of the folder is to be completed by the WIC Overseas staff. The participant or parent/guardian will sign the folder. The Participant Identification Folder must be presented when redeeming drafts at a Commissary or NEXMART and should be presented when returning to the WIC Overseas office for subsequent appointments.

#### ***4.2.2. Instruction in Use of WIC Overseas Drafts***

All women, participants, parents/guardians of participating children and/or Proxies will be instructed on the use of WIC Overseas drafts at the time they are issued. The following are key points to remember when using drafts:

- Drafts must only be used within the first and last date of use that is printed on the face of each draft.
- Participants may purchase only the specific items and quantities printed on the face of the draft. Participants must purchase all the items listed on a draft at one time. Items not purchased cannot be purchased at a later time.
- Participants may use one or more drafts at one time.

## Special Supplemental Food Program (Women, Infants, and Children Overseas Program)

---

- If a participant is using more than one draft, the participant must separate the items to be purchased with each draft.
- When the transaction is finished, the cashier will write the amount for the purchased items on the “Pay Exactly” line. Participants should verify the amount written is the actual amount of the purchase and then sign the draft.
- The food items provided by WIC Overseas are intended to be consumed only by the participant to whom they are issued. They may not be shared with friends.

### 4.2.3. Proxies

Parents/guardians are expected to bring their children to appointments, and are expected to pick up and redeem their own drafts. Either parent may bring in children for the appointment and pick up drafts. There are some situations in which neither parent or guardian is able to come to the WIC Overseas office. Rather than forgo receiving services, a participant’s parent/guardian may authorize an alternate or “WIC Overseas Proxy” to bring their child in for an appointment, and a participant or a participant’s parent/guardian may authorize a Proxy to pick up and redeem their drafts. Proxies may only be used when the parent or guardian has been deployed or for other exceptional circumstances. A power of attorney (either general or WIC Overseas-specific) designating the proxy by name must be on file with the WIC Overseas office.

### 4.3. Food Item Approval Management

#### 4.3.1. Establishment of the Allowable Food List

In consultation with USDA and an examination of the food authorization practices of domestic WIC Program agencies, the Defense Health Agency (DHA) Program Manager will establish a list of allowable foods. Approved foods must meet the following criteria:

- Be in compliance with WIC Overseas nutrition standards, which are modeled after those of the USDA WIC Program;
- Be available in most participating overseas Commissaries and NEXMARTs in a given region; and,
- Be reasonable in cost, thereby excluding premium brands and individual serving sizes.

Maximum monthly allowances of these foods will be established in a manner consistent with the maximum allowances in the USDA WIC Program, taking into account some unique overseas packaging, such as metric measures used in some overseas areas, e.g., liters and kilograms; as well as quarts, half gallons and pounds, etc., typically used in domestic WIC programs.

#### ***4.3.2. Management and Revision of the Allowable Food List***

DHA shall be responsible for identifying changes in the list of allowable foods and for developing any policies restricting or expanding choices of food items that are intended to assist in managing food package cost.

Consideration of changes in the allowable food list may be prompted by a variety of circumstances, including a manufacturers' introduction of new products, changes in the make-up of authorized foods that make them inconsistent with the Program's nutritional guidelines, reductions or other changes in the availability of approved products in overseas Commissaries and NEXMARTs, changes in the authorized food policy (in consultation with USDA), and cost containment initiatives.

Any changes in the list of allowable foods or policies shall be communicated to all WIC Overseas offices, Commissaries, and NEXMARTs in sufficient time of the effective implementation date in order to allow sufficient time for retraining of staff and adjustments in vendor stock levels.

### ***5. Administrative Appeals and Civil Rights***

#### ***5.1. Right to Appeal Ineligibility or Termination***

Whenever an applicant is determined to be ineligible, or a participant is being terminated from the WIC Overseas Program, staff will print and issue a “Notice of Ineligibility”. This form is printed, signed and dated by the staff who issues it and by the applicant/participant. The applicant/participant is also advised that he or she has the right to appeal the decision. A request for an appeal must be submitted to the WIC Overseas office in writing within ten calendar days of the notice. A participant who is terminated mid-certification is eligible to continue receiving benefits pending the outcome of the appeal, provided the appeal is requested within ten calendar days. Participants who are terminated at the end of their certification period are not eligible to receive benefits pending the appeal. Individuals who are deemed ineligible or terminated may re-apply whenever the circumstances resulting in the denial or termination have changed.

A participant or participant’s parent/guardian who wishes to file an appeal will be given written instructions on the appeal procedure and the appeal form. Once submitted the appeal will be reviewed at the local site and then forwarded to the Regional Manager and Program Manager. If at any point in the review, the Regional Manager or the Program Manager finds that an error has been made in determining eligibility or termination should not have occurred, the applicant will be notified and service provided. Similarly, if the appeal is denied, the applicant will be notified within five working days. All appeals will be forwarded to the DHA Program Manager for a final review.

#### ***5.2. Civil Rights Notification, Complaints and Follow-Up***

If an applicant or a participant believes that he or she has received discriminatory treatment by the local WIC Overseas staff, he or she has the right to file a complaint. The specific process for

filing this complaint may vary between local offices, depending on the existing structures and processes already in existence on the military installations. It is a responsibility of the local WIC Overseas office to identify the person or office responsible for civil rights enforcement on the military installation and be aware of contact personnel for referral. The local Command provides notices to post in the local offices, advising individuals on whom to contact for filing a civil rights complaint. If an individual appeals a denial of eligibility or a termination based on discrimination, both the local WIC Overseas office and the civil rights officer should work together to hear the appeal. All civil rights appeals will be reported to the Regional Manager and the WIC Overseas contractor Program Manager. The contractor Program Manager will notify Defense Health Agency (DHA).

### **6. Operations and Administration**

#### **6.1. Confidentiality of Participant Information**

Information collected about WIC Overseas applicants and participants is confidential. The Defense Health Agency (DHA), through the WIC Overseas contractor, shall restrict the use or disclosure of such information to:

- Persons directly connected with the administration or enforcement of the program, including persons investigating or prosecuting violations in the WIC Overseas Program.
- The Comptroller General of the United States for audit and examination authorized by law.

Participant information obtained under the WIC Overseas Program may be used in a summary, statistical or other form that does not identify particular individuals. DHA may require the WIC Overseas contractor to supply medical data and other information collected under the program in a form that does not identify particular individuals, to enable DHA to evaluate the effect of nutrition intervention upon individuals enrolled in the program.

#### **6.2. System Security**

The security mechanisms of the workstation and Local Area Network (LAN) will be configured to provide user access to the PIMS software application and PIMS database. User access to the workstation and LAN will be managed by the host military installation's IT department.

User access to effect changes in PIMS is managed by WIC Overseas personnel (i.e., Regional Systems Administrator or WIC Overseas personnel) through the assignment of specific roles and permissions within the application. A user ID and password are required by the authentication process to ensure only authorized users can gain access.