



BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS  
STATE OF GEORGIA

A [redacted] and Z [redacted] E [redacted],  
Petitioners,  
v.  
GEORGIA DEPARTMENT OF PUBLIC HEALTH,  
Respondent.

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: Docket No. [redacted]  
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: [redacted]-OSAH-DPH-WICP-11-Kennedy  
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: Agency Reference No. [redacted]  
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FINAL DECISION<sup>1</sup>

I. Introduction

Petitioners, A [redacted] and Z [redacted] E [redacted], requested a fair hearing to dispute Respondent’s denial of their application for benefits under Georgia’s Special Supplemental and Nutrition Program for Women, Infants and Children (WIC). The parties presented sworn testimony and evidence at an administrative hearing held on February 15, 2022. Petitioner appeared and represented herself and her minor child Z [redacted]. Nirouz Elhammali, Esq. represented Respondent. For the reasons indicated in this decision, Respondent’s action denying Petitioners’ WIC application is **AFFIRMED**.

II. Findings of Fact

1.

On or about November 9, 2021, Petitioner A [redacted] E [redacted] applied for WIC through Respondent’s Gateway online portal on behalf of herself and her 3-year-old son Z [redacted]. *Testimony of Petitioner; Testimony of Sonia Jackson, Respondent’s Program Operations Manager; Respondent’s Exhibit 3.*

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<sup>1</sup> Respondent received Petitioners’ appeal on November 22 or 23, 2021. The hearing was not held within three weeks from when the request was received and the decision is not being issued within 45-days of receipt of the hearing request, in part because Respondent did not refer the hearing request to OSAH until December 22, 2021, and in part because OSAH took time to attempt to secure a hearing location in Macon, Bibb County, but was unsuccessful so the undersigned then scheduled this matter to be heard remotely via the Go To Meeting platform as soon as possible while still providing the parties adequate notice of the hearing date. 7 C.F.R. §§ 246.9(j) and (k)(3).

2.

On the application, Petitioner A [REDACTED] E [REDACTED] reported that she resided with her son and her spouse, and that the household gross income was \$3,400 monthly. However, Petitioner A [REDACTED] E [REDACTED]'s reported gross quarterly wages between the 3<sup>rd</sup> quarter of 2020 and 2<sup>nd</sup> quarter of 2021 appears to be higher than \$3,400 per month. *Testimony of Petitioner; Testimony of Jackson; Respondent's Exhibits 3, and 5 through 7.*

3.

The current maximum gross monthly income limit to qualify for WIC for a three-person household is \$3,386 per month. Petitioners' household's gross monthly income of \$3,400 as reported on her application exceeds the applicable threshold maximum gross monthly income limit to qualify for WIC. *Testimony of Jackson; Respondent's Exhibits 3, 4 and 9 through 11.*

4.

On November 9, 2021, Respondent issued a letter advising Petitioners of Respondent's decision to deny Petitioners' application for WIC because their income exceeds the gross income limit for the Program. Petitioners submitted an appeal dated November 18, 2021, requesting a fair hearing, which was filed-stamped by Respondent on November 22, 2021, and forwarded to the Office of State Administrative Hearings on December 22, 2021 for a hearing to be held. In her appeal, Petitioner A [REDACTED] E [REDACTED] states that due to her son's special needs her spouse had to quit his job and their savings are dwindling. She further states that she has concerns that the current policy does not take into consideration the needs of families with children who have disabilities and need assistance to support their child. *Testimony of Petitioner; Testimony of Jackson; Respondent's Exhibits 1, 2 and 4.*

### **III. Conclusions of Law**

1.

The sole issue for determination is whether Respondent correctly applied Federal and State statutes, regulations, policies, and procedures governing the Georgia WIC Program when it issued a denial letter on November 9, 2021, based on a determination that Petitioners' gross monthly household income exceeded the applicable eligibility threshold limit to qualify for benefits.

2.

WIC is a program of the U.S. Department of Agriculture (U.S.D.A.) authorized under the Child Nutrition Act of 1966, 42 U.S.C. § 1786, to assist women, infants, and children up to age 5, from families with inadequate income by providing them supplemental foods, health care referrals, nutrition services, and nutrition education. 7 C.F.R. § 246.1. The U.S.D.A. has delegated the administration of the WIC program to the states through the provision of cash grants so that the state can administer the WIC Program to eligible individuals and families at no cost. 7 C.F.R. §§ 246.1, 246.3(b); Ga. Comp. R. & Regs. 511-8-1-.04(1)(a). In Georgia, the WIC Program is administered by the Georgia Department of Public Health on behalf of the U.S.D.A. in accordance with specifications found in both federal and state law. *See* 42 U.S.C. § 1786; 7 C.F.R. § 246.1; O.C.G.A. § 31-2A-8; Ga. Comp. R. & Regs. 511-8-1-.04.

3.

When determining eligibility for the WIC Program, Respondent must verify and document the applicant's household income. The income verification must include one full month of income and must reflect that the household's income is below 185% of the current federal poverty level for their family size to receive WIC benefits. 7 C.F.R. §§ 246.7(c)(1)(ii), (d)(2)(i)-(ii) and (d)(2)(v); *WIC Manual, at Policy No. CT-800.03 and CT-800.08.*

4.

Petitioners do not dispute that their household's gross monthly income is at least \$3,400 and that their household size is three. Petitioners' household's gross monthly income of \$3,400 exceeds the applicable threshold maximum eligibility gross income limit of \$3,386 for a household of three. Accordingly, Respondent correctly applied Federal and State statutes, regulations, policies, and procedures governing the Georgia WIC Program when it denied Petitioners' application based on a determination that Petitioners' gross income exceeded the applicable eligibility threshold limit to qualify for benefits.

#### IV. Decision

For the reasons stated, Respondent's denial of Petitioners' application under the Georgia WIC Program is **AFFIRMED**.

**SO ORDERED** this 15<sup>th</sup> day of February, 2022.



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**Ana B. Kennedy**  
**Administrative Law Judge**

