
**FOOD AND NUTRITION SERVICES MANUAL
GENERAL PROCEDURES & REQUIREMENTS
FNS 120 COMPLAINTS AND FAIR HEARING PROCESS**

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Change #1-2021

May 1, 2021

120.01 COMPLAINTS PROCEDURES

- A. There are three distinct procedures for filing and processing complaints regarding operation of Food and Nutrition Services (FNS). The nature of the complaint must be examined in order to determine which of the three systems is appropriate for the particular complaint. The three systems are:
1. Fair Hearings,
 2. Discrimination, and
 3. State Complaint Procedures.
- B. Persons or agencies desiring program information whose requests cannot be satisfied at the local or State level may contact the FNS Regional Office at:

USDA/Food and Nutrition Service
Southeast Region
61 Forsyth St. S.W.
Room 8T36
Atlanta, GA 30303-3427

120.02 FAIR HEARINGS

- A. Complaints concerning eligibility for the program and benefit levels are handled according to procedures in Section 705, Hearings.
- B. Complaints concerning the establishment of or the amount of inadvertent household or agency error claims and complaints concerning the amount of Intentional Program Violation (IPV) claims are also handled under fair hearing procedures.
- C. Complaints concerning the establishment of an IPV claim are not handled under fair hearing procedures, as IPV claims result from either prosecution through the court system or an administrative disqualification hearing.

120.03 DISCRIMINATION COMPLAINTS

- A. People who believe that they have been subjected to discrimination as specified in Section 115.04 may file a complaint with the United States Department of Agriculture (USDA).

Complaints alleging discrimination in any aspect of program administration, including, but not limited to, the certification of a household, the issuance of FNS, the conduct of a fair hearing, or the conduct of any other program service on the basis of race, color, national origin, sex, religion, age, disability, or political beliefs are made to the United

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States Department of Agriculture. The county department explains the complaint system to each individual who expresses an interest in filing a discrimination complaint and advises the individual of the right to file a complaint. Persons who believe they have been subject to discrimination may file a written complaint with USDA at the following address:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
(866) 632-9992 (voice) or
(800) 877-8339 (TTY)

- B. A complaint must be filed no later than 180 days from the alleged discrimination. However, the USDA Secretary of FNS may extend the time of filing.

- C. In the event an individual verbally alleges that a discriminatory act has been committed but the individual is unable or is reluctant to put the allegations in writing, the USDA employee receiving the complaint will do so. The following information is requested during the complaint process.
 - 1. Name, address, and telephone number or other means of contacting the person alleging discrimination.
 - 2. Location and name of the organization or office which is accused of discriminatory practices.
 - 3. The nature of the incident, action, or the aspect of program administration that led the person to allege discrimination.
 - 4. The reason for the alleged discrimination (race, color, national origin, sex, religion, age, disability, or political belief).
 - 5. Names, titles (if appropriate), and addresses of persons who may have knowledge of the alleged discriminatory act.
 - 6. The date(s) on which the discriminatory actions occurred.

- D. Complaints are accepted by the USDA, even if the information specified in 120.03 C. is not complete. However, investigations are conducted only if the information concerning C. 2., 3., and 4. is provided.

The USDA determines the action to be taken on individual complaints in accordance with current laws and regulations.

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120.04 STATE COMPLAINT PROCEDURES

The N.C. Department of Health and Human Services (DHHS) maintains a system for handling complaints filed by participants, potential participants, or other concerned individuals or groups. Complaints regarding such areas as processing standards, general service to participants or potential participants, and complaints in areas not covered by fair hearing or discrimination complaint procedures are processed in the following manner.

- A. The N.C. DHHS ensures that each reported incident is studied, resolved in the appropriate manner, and corrective or remedial action taken when warranted. The N.C. DHHS notifies the complainant of the disposition of the complaint within a reasonable period of time.
- B. Records of complaints received, and their disposition are filed and checked periodically for possible patterns of deficiencies. When appropriate, any identification of causal factors is included in the State Corrective Action Plan.
- C. Forward complaints of discrimination, including the information in Section 125.03 C, to the N.C. DHHS within five calendar days at the address below. This information will then be sent to USDA.

North Carolina Department of Health and Human Services
Carlotta Dixon, MHS, CPM
Program Compliance Section Chief
Equal Employment Opportunity Title VI Civil Rights Coordinator
820 S. Boylan Avenue
2401 Mail Service Center
Raleigh, N.C. 27699-2401

NOTE: Complaints regarding such areas as processing standards and service to participants are generally handled under this complaint procedure.

120.05 County Complaint Tracking Requirements

- A. The local Department of Social Services is required to track customer complaints received by workers, supervisors, or agency call centers, regardless of the reason on the state approved customer complaint tracking log. At the end of each quarter it is the counties responsibility to analyze, determine trends and take appropriate actions such as staff meetings, training, etc.
- B. The customer complaint log must be submitted to the Division of Social Services every six months to determine the potential need for statewide training and/or process improvement.
 - Complaints made October 1st through March 31st are due to the state office no later than April 30th.
 - Complaints made April 1st through September 30th are due to the state office no later than October 31st.