

## APPEALS AND GRIEVANCE POLICY AND PROCEDURE

### Appeals Procedure

If your participation in the CACFP food program is terminated for cause you have the right to appeal that determination to an official who was not involved in the decision making process. Outlined below are the procedures that must be followed by both sponsor and day care home provider:

1. The day care home provider shall be advised in writing of the grounds on which the sponsor based its action. The notice of action must be made by certified mail and will include a statement indicating that the day care home provider has the right to appeal the action; and that the day care home provider may continue to receive reimbursement during the course of an appeal, unless the basis for the termination was child endangerment or health and safety.
2. The written request for review shall be filed by the day care home provider not later than 10 (ten) calendar days from the date the appellant received the notice of action, and the review official shall acknowledge the receipt of the request for appeal within 10 calendar days.
3. The provider shall refute the charges contained in the notice of action by written documentation to the review official. In order to be considered, written documentation must be filed with the review official not later than 10 calendar days after the provider has received notice of action. The provider may retain legal counsel, appear in person or may be represented by another person.
4. Any information on which the sponsor's action was based shall be available to the provider for inspection from the date of receipt of the request for review.
5. The review official shall be an independent and impartial official other than, and not accountable to, any person authorized to make decisions that are subject to appeal under the prohibitions of this statement.
6. The review official shall make a determination based on information provided by the sponsor, the provider and on CACFP Program regulations.
7. Within 30 calendar days of the receipt of the request for review, the review official shall inform the sponsor and the provider of the determination of the review.
8. The provider may continue to receive reimbursement for meals served, supported by valid records during the appeal process except in the case of termination based on child endangerment and health and safety violations. If the provider elects not to exercise the right to appeal, then no further reimbursement shall be paid after the date of the sponsor's letter of action.
9. The determination by the review official is the final administrative determination to be afforded to the day care home provider.
10. Requests should be sent to: Children's Hunger Alliance, 370 South Fifth Street, Columbus OH 43215 Attention: CACFP/FCC Appeal.
11. The request must include the name, address, title and signature of the person requesting the appeal and should include telephone and fax numbers if available, a copy of the certified letter from the sponsor, the date the letter was received, and a statement of the relief being requested. If your request is determined to be timely (within the 10 day period) you will receive acknowledgment of that fact from the Administrative Review Officer. If your request is determined to be not timely filed, you will be notified that no review will be conducted and that the original determination has become final.
12. If the termination is upheld, the provider will be placed on a national Disqualified List for 7 years or until the State agency determines that the serious deficiencies have been corrected. However if any debt relating to the serious deficiencies has not been repaid, the provider will remain on the list until the debt has been repaid.