



## **Child and Adult Care Food Program Appeal Procedure**

A provider who participates in the Child and Adult Care Food Program (CACFP) under the sponsorship of Child Care Choices may appeal actions taken by Child Care Choices in accordance with this procedure. CACFP appeal procedures are authorized at 7 CFR 226.6(l). The following types of actions are appealable:

- Proposed termination for cause of CACFP agreement between provider and Child Care Choices
- Suspension of provider's participation in CACFP

To appeal a Child Care Choices action:

- Submit your written request for an appeal to: Executive Director, Child Care Choices, Inc., 2901 Clearwater Road, St. Cloud, MN 56301. Your request for an appeal must be submitted no later than 7 calendar days after you receive this notice. Your appeal request must include all of the required information listed in (2) Appeal Request and Deadline under Appeal Procedure-Rights and Responsibilities below.
- Child Care Choices strongly recommends that an appeal request and any other written documentation be sent in a manner that provides proof of delivery, such as certified mail – return receipt requested.
- Within 7 calendar days of receipt of your appeal request, Child Care Choices will notify you by certified mail that your request has been received. The notification will include the name and contact information for the Appeal Official.

### **Appeal Procedure – Rights and Responsibilities**

(1) **Notice of Action** When an action is taken or proposed that is subject to appeal according to CACFP regulations, Child Care Choices provides notice of the action to the Provider. The notice describes the action being taken or proposed, the basis for the action, and includes this CACFP Appeal Procedure.

(2) **Appeal Request and Deadline** To appeal the Sponsoring Organization's action, the Provider must submit an appeal request in writing to Executive Director, Child Care Choices, Inc., 2901 Clearwater Road, St. Cloud, MN 56301 not later than 7 calendar days after the date the notice of action is received. The Sponsoring Organization will acknowledge the receipt of an appeal request by certified mail, within 7 calendar days of Child Care Choices' receipt of the request, including the name of the Appeal Official and contact information.

An appeal request must include:

- Provider's name, mailing address and current phone number.
- Identification of Child Care Choices action(s) that are being appealed.
- The appeal request must be signed and dated.

(3) **Representation** Provider may represent her/himself, or retain legal counsel, or be represented by another person.

(4) **Review of Record** Information on which Child Care Choices' action was based must be available to Provider from the date of receipt of provider's appeal request.



(5) **Opposition** Provider may refute the findings contained in the notice of action by submitting written information to the Appeal Official. In order to be considered, written documentation must be submitted not later than 7 calendar days after receipt of the notice of action.

(8) **Appeal Official** The Appeal Official must not be involved in the action that is being appealed and not have a direct personal or financial interest in the outcome of the appeal. Provider may directly contact the Appeal Official.

(9) **Basis for Decision** The Appeal Official will make a determination based solely on the information provided by Provider, information provided by Sponsoring Organization, Federal and State laws, regulations, policies, and procedures governing the Program.

(10) **Time for Issuing Decision** Within 30 calendar days of the Appeal Official's receipt of the appeal request, the Appeal Official will inform Provider of the appeal outcome(s) by certified mail, with copies to Child Care Choices and Minnesota Department of Education, Food and Nutrition Service. This timeframe is an administrative requirement for Child Care Choices and may not be used as a basis for overturning Child Care Choices' action if a decision is not made within the specified timeframe.

(11) **Final Decision** The determination made by the Appeal Official is the final administrative determination to be afforded to the Provider.

(12) **Record** Child Care Choices maintains searchable records of appeals and results, subject to Child and Adult Care Food Program requirements and the Minnesota Government Data Practices Act.

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