**APPEAL PROCEDURES**

1. A provider will be notified in writing by certified mail, return receipt requested, of the grounds upon which SO Name based its action. The notice will inform the provider of its right to appeal. Two types of appeals are authorized:

a. The provider may request a review of the records. Upon receipt of such a request, SO Name will appoint a review official to conduct the review.

OR

b. The provider may request a hearing, but there is no requirement that SO Name must offer this type of appeal. Upon receipt of a request for a hearing, SO Name will appoint a review official to conduct the hearing.

2. The written request for a review of records or for a hearing must be filed by the provider no later than 15 calendar days from the date the provider receives the notice of action. The 15 days shall begin on the day the notice of action was received. A hearing will be held by the review official in addition to, or in lieu of, a review of written information submitted by the provider only if the provider so specifies in the letter requesting the appeal. Therefore, the written request must specify which type of appeal is requested. SO Name will acknowledge the receipt of the request for appeal within 10 calendar days.

3. The provider may refute the information contained in the notice of action in person or by written documentation presented to the review official. The provider must have the opportunity to review the record on which SO Name’s action was based. In order to be considered, written documentation must be filed with the review official not later than 30 calendar days after the provider received the notice of action. The 30 days shall begin on the day the notice of action was received. The provider may be represented by legal counsel or another person. The following applies to the two types of appeals:

a. **Review of Records**

• Upon receipt of an appeal requesting a review of the records, the review official will notify the provider and SO Name of the timelines for submission of documents.

• Failure to submit written documentation to refute the action taken by SO Name within the 30-day time period will constitute the provider’s waiver of the appeal, resulting in the action taken by SO Name being upheld.

b. **Hearing**

• Upon receipt of an appeal requesting a hearing, the review official will notify the provider and SO Name of the timelines for submission of documents.

• Written documentation submitted after the 30-day time period will not be considered at any point during the appeal process, including the hearing.

• If the provider chooses to be represented by legal counsel, it will notify SO Name of the counsel’s name and address.

• The review official will notify the provider and SO Name by certified mail of the time, date, and place of the hearing. The notice must be provided at least 10 calendar days prior to the hearing.

• The provider must be permitted to contact the administrative review official directly if he/she so desires.

• Failure of the provider or his/her representative to appear at a scheduled hearing will constitute the provider’s waiver of the right to a personal appearance before the review official, unless the review official agrees to reschedule the hearing.

• SO Name will have representatives in attendance at the hearing who may provide information and documentation supporting the action taken.

4. SO Name documents and information relating to the provider and the action taken will be available for inspection and copying pursuant to the Open Records Fee Schedule at the office of SO Name.

5. The review official will be an independent and impartial official other than, and not accountable to, any person authorized to make decisions that are subject to appeal.

6. The review official will make a determination based on information provided by SO Name, the provider, and the laws and regulations governing the Child Nutrition Programs (CNP).

7. Within 60 calendar days of receipt of the request for appeal, the review official’s determination must be delivered to the provider and SO Name.

8. Participating providers may continue to operate under the Program during an appeal of proposed termination unless the action is based on imminent danger to the health or welfare of participants. If the provider has been terminated for this reason, SO Name must specify this in its notice of action.

9. The determination by the review official is the final administrative determination to be afforded to the provider.

10. Pursuant to the federal regulations, appeals will not be allowed on decisions made by Food and Nutrition Service (FNS).

**This institution is an equal opportunity provider.**