

**Oklahoma State Department of Education  
Child Nutrition Programs  
Abbreviated Appeal Procedures**

An abbreviated review is limited to a review of *written* submissions by the appellant and may not include an in-person hearing. There are two State agency actions that if appealed, result in an abbreviated review:

1. The State agency's proposal to terminate an institution's agreement because of the submission of specific false or disqualifying information on its application; or
2. The accuracy of the State agency's determination to deny an application based on an institution and/or an individual being disqualified

If a State agency finds that the following has been submitted by a new institution or a participating institution upon renewal of its application, it must deny the application and offer the institution and RP/Is an abbreviated review:

- The information submitted on the application is false;
- The institution, one of its sponsored facilities, or one of its principals is on the NDL;
- The institution, one of its sponsored facilities, or one of its principals has been declared to be ineligible for another publicly funded Program during the prior seven years; or
- The institution, one of its sponsored facilities, or one of its principals has been convicted of an activity in the past seven years that indicated a lack of business integrity [7 CFR 226.6(k)(9)].

In each of these cases, the institution or the principals will have already had an opportunity to refute the charge (i.e., the action that led to the placement on the NDL, the ineligibility determination for the other public Program, or the criminal conviction). Since these issues will have been fully reviewed by the appropriate authority, the institution and RP/Is are not entitled to a second appeal. There is no benefit to be derived from requiring a "full" appeal in cases in which the only issue will be whether or not the affected party is really the same party that appears on the NDL, was declared ineligible for another publicly funded Program, or was convicted.

a. Submission of documents for the Review of Records:

1. An institution must be notified in writing by certified mail, "return receipt requested," of the grounds upon which the State Department of Education (SDE) based its action. The notice must inform the institution of its right to appeal.
2. The institution may request a review of the records. Upon receipt of such a request, the SDE must contract with an Administrative Law Judge (ALJ) to conduct the review of records.
3. The written request for a review of records must be filed by the institution no later than 15 calendar days from the date the institution receives the notice of action. The 15 days shall begin on the day the notice of action was received. The written request must be received, (not postmarked) by the fifteenth day. The SDE must acknowledge the receipt of the request for appeal within ten calendar days.

4. The institution and the Responsible Principals and Individuals (RPI) may refute the information contained in the notice of action by written documentation only. The institution and the RPIs must have the opportunity to review the information on which the SDE based its actions. In order to be considered, written documentation must be filed with the ALJ not later than 30 calendar days after the institution received the notice of action. The 30 days shall begin on the day the notice of action was received.
5. Upon receipt of an appeal requesting a review of the records, the ALJ must notify the institution of the timelines for submission of documents.
6. Failure to submit written documentation to refute the action taken by the SDE within the 30-day time period must constitute the institution's waiver of the appeal, resulting in the action taken by the SDE being upheld.
7. Any and all records pertaining to the appeal of the review or audit may be submitted to the ALJ for acceptance.
8. The review official shall be an ALJ from the Oklahoma Attorney General's Office.
9. SDE documents and information relating to the institution and the action taken must be available for inspection and copying pursuant to the Open Records Fee Schedule at the office of Child Nutrition Programs.
10. The ALJ must make a determination based on information provided by the SDE, the institution, the RPIs and the laws and regulations governing the Child and Adult Care Food Program.
11. Within 60 calendar days of receipt of the request for review, the ALJ's determination must be delivered to the institution and the SDE.
12. Participating institutions and facilities 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 institution or facility has been terminated for this reason, the SDE must so specify in its notice of action.
13. The determination by the ALJ is the final administrative determination to be afforded to the institution.
14. Pursuant to the federal regulations, appeals must not be allowed on decisions made by Food Nutrition Services on requests for exceptions to the claim's submission deadlines or requests for upward adjustments to claims