POLICY ALERT

Date: August 15, 2008
Reference: # CACFP ADC 2008-20
To: Child and Adult Care Food Program Adult Day Care (CACFP ADC) Contractors
Subject: Actions Subject to Appeal
Effective Date: Immediately

Purpose

RESCIND:

• 8210, Actions Subject to Appeal, previously released under Policy Alert CACFP ADC 2007-14, Program Management – Handbook Revisions

REPLACE:

• ADC Handbook Item 8210, Actions Subject to Appeal

Implementation

Immediately

Procedure

Replace Section 8210, Actions Subject to Appeal, with the following:

A contractor has the right to appeal:

• Denial of a new, renewal or update application.
• Denial of a sponsored facility application
• Notice of proposed termination and proposed disqualification.
• Termination of a contractor’s agreement (does not apply to termination by mutual consent).
• Suspension of participation (applies only in the case of imminent threat to health or safety).
• Denial of advances.
• Recovery of advances (demand from TDA for repayment of advances not covered by claims submitted or due to non-claiming for the month(s) of the advance(s)).
• Denial of all or part of a claim, except the denial due to late submission.
• TDA’s denial to submit the contractor’s request for a good cause exception to the United States Department of Agriculture (USDA) for consideration of payment.
• Overpayment demand.
• Other actions taken by the State agency, which affect the contractor’s participation or claim for reimbursement.

continued

This Policy Remains in Effect Until Further Notice
**Procedure continued**

A contractor may not appeal:

- USDA denial of a claim.
- Determination of serious deficiency.
- Disqualification and placement on the National Disqualified List.
- Termination of a participating organization’s FND Agreement as a result of the Serious Deficiency Process, including termination of a participating organization’s FND Agreement based on the disqualification of that organization by another State agency or USDA.
- Termination by mutual consent.

**Contact**

If you have any questions please contact your Food and Nutrition Field Operations Office.