POLICY ALERT

Date: August 15, 2008 Reference: # CACFP DCH 2008-23
To: Child and Adult Care Food Program Day Care Homes (CACFP DCH) Sponsors
Subject: Actions Subject to Appeal
Effective Date: Immediately

Purpose
RESCIND:
• 8211, Actions Subject to Appeal, previously released under Policy Alert CACFP DCH 2007-13, Program Management – Handbook Revisions

REPLACE:
• DCH Handbook Item 8211, Actions Subject to Appeal

Implementation
 Immediately

Procedure
Replace Section 8211, Actions Subject to Appeal, with the following:

A sponsor has the right to appeal:

• Denial of a new, renewal or update application.
• Denial of a provider’s application
• Notice of proposed termination and proposed disqualification.
• Termination of a sponsor’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 sponsor’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 sponsor’s participation or claim for reimbursement.

continued

This Policy Remains in Effect Until Further Notice
Procedure continued

A sponsor 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.