



9 N. 3<sup>rd</sup> Street, Suite 100  
P.O. Box 3364  
Warrenton, Virginia 20188  
(540) 347-3767  
www.cni-usda.org

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USDA Child & Adult Care Food Program Sponsor

**Virginia Child and Adult Care Food Program (CACFP)  
Day Care Home Provider Appeal Procedures  
Effective 4/1/01**

If your participation in the USDA food program is terminated for cause by Child Nutrition, Inc. (CNI), you have the right to appeal that determination to an official who was not involved in the decision making process. Outlined below are the procedures that must be followed by both CNI and day care home provider.

1. The day care home provider shall be advised in writing of the grounds on which the sponsor based its action. The notice of action, which shall be sent by certified mail, return receipt requested, shall also include:
  - A statement indicating that the day care home provider has the right to appeal the action.
  - A statement that program payments may continue for claims supported by appropriate records pending the outcome of the administrative review, unless the basis for the termination was health or safety.
2. The written request for review shall be postmarked by the day care home provider no later than 10 calendar days from the date the provider received the notice of action. The review officials shall acknowledge the receipt of the request for appeal within 10 calendar days.
3. The day care home provider may refute the charges contained in the notice of action in person and/or by written documentation to the review officials. In order to be considered, written documentation must be mailed to the review

officials and must be postmarked no later than 20 calendar days after the day care home provider received the notice of action. The day care home provider may retain legal counsel, or may be represented by another person. A hearing shall be held by the review officials in addition to, or in lieu of a review of written information submitted by the appellant only if the day care home provider so specifies in the letter of request for review. All such hearings will take place in the main office of Child Nutrition, Inc., or alternate site as designated by CNI. Failure of the day care home provider's representative to appear at a scheduled hearing shall constitute the day care home provider's waiver of the right to a personal appearance before the review officials, unless the review officials agree to reschedule the hearing. A representative of the sponsoring organization shall be allowed to attend the hearing to respond to the appellant's testimony and to answer questions posed by the review officials;

4. If the day care home provider has requested a hearing, the day care home provider and the sponsor (CNI) shall be provided with at least 10 calendar days advance written notice, sent by certified mail, return receipt requested, of the time and place of the hearing;
5. Any information on which Child Nutrition, Inc.'s action was based shall be available to the day care home provider for inspection from the date of receipt of the request for review;
6. The review officials shall be independent and impartial and not accountable to any person authorized to make decisions that are subject to appeal under the provisions of this section;
7. The review officials shall make a determination based on information provided by CNI and the day care home provider, and on Program regulations and USDA Regional Office Policy.

8. Within 30 calendar days of receipt of the request for review, the review officials shall inform CNI and the day care home provider of the determination of the review;
9. The day care home provider may continue to receive reimbursement for meals served, supported by valid records, during the appeal process, except in the case of a termination based upon health or safety violations. If the day care home provider elects not to exercise the right to appeal, then no further reimbursement shall be paid after the date of the sponsor's letter of action.
10. The determination by the review officials is the final administrative determination to be afforded to the day care home provider.

### **What action can be appealed?**

A determination to terminate the day care home provider's participation in the Virginia Child and Adult Food Program for cause.

### **How do I file for an appeal?**

**First, read the enclosed procedures completely and thoroughly.**

**Any failure to exactly follow the procedures outlined above may result in the loss of your appeal rights.**

The written request for review shall be postmarked by the day care home provider not later than 10 calendar days from the date the day care home provider received the

notice of action from Child Nutrition, Inc. The written request should be sent via certified mail, return receipt requested, and addressed to:

President, Child Nutrition, Inc.  
9 N 3<sup>rd</sup> Street, Suite 100  
Warrenton VA 20186

IMPORTANT NOTE: The request must include the name, address, title and signature of the person requesting the appeal and should include telephone and fax numbers if available, a copy of the certified letter from Child Nutrition, Inc. in which the action being appealed is described; the date the letter was received, a specific request for a face to the face hearing if one is desired, (otherwise an administrative review of the record will be conducted); and a statement of the relief being requested. If your request is determined to be timely (postmarked within 10 day period), you will receive acknowledgement of that fact from CNI's Appeal Officials. If your request is determined to be not timely filed, you will be notified that no review will be conducted and that the original determination has become final.