

APPEAL PROCEDURES
for the
Summer Food Service Program (SFSP)



CONNECTICUT STATE
DEPARTMENT OF EDUCATION

Connecticut State Department of Education
Bureau of Health/Nutrition, Family Services and Adult Education
25 Industrial Park Road
Middletown, CT 06457

Revised February 2016

Connecticut State Department of Education

Summer Food Service Program Policies and Procedures

APPEAL PROCEDURES FOR SFSP

This policy is used by the Connecticut State Department of Education (CSDE) to comply with the U.S. Department of Agriculture (USDA) regulations for the Summer Food Service Program (SFSP) 7 CFR 225.13. If any part of this policy conflicts with the SFSP regulations or memoranda issued by the USDA, the federal regulations and memoranda shall take precedence. The SFSP regulations are available on the USDA's [SFSP Regulations](#) Web page.

APPEAL PROCEDURES FOR THE SFSP

AVAILABILITY OF APPEAL PROCEDURE

In accordance with 7 CFR 225.13 of the federal regulations governing the SFSP, a sponsor or food service management company may request a hearing to appeal a state agency ruling of:

- a denial of an application for participation;
- a denial of a sponsor's request for an advance payment;
- a denial of a sponsor's claim for reimbursement (except for late submission under federal regulation 7 CFR 225.9(d)(6));
- a state agency's refusal to forward to the USDA Food and Nutrition Service (FNS) an exception request by the sponsor for payment of a late claim or a request for an upward adjustment to a claim;
- a claim against a sponsor for payment of a late claim or a request for an upward adjustment to a claim;
- a claim against a sponsor for remittance of a payment;
- the termination of the sponsor or a site;
- a denial of a sponsor's application for a site; and
- a denial of a food service management company's application for registration or the revocation of that registration.

Appeals shall not be allowed on decisions made by the FNS with respect to late claims or upward adjustments under 7 CFR 225.9(d)(6).

PROCEDURE FOR REQUESTING AN APPEAL

The steps below specify the procedure for filing an appeal in the SFSP.

1. The CSDE will advise the sponsor or food service management company in writing of the grounds upon which the CSDE based the denial or action. The notice of denial or action, which shall be sent by certified mail with return receipt requested, shall also include a full description of the sponsor's or food service management company's rights and responsibilities to appeal the CSDE's action. At this time, the CSDE will also advise the sponsor or food service management company in writing of the procedure to request such a review from the Chief, Bureau of Health/Nutrition, Family Services and Adult Education of the CSDE. The Chief, in response to this request, may grant the appellant the opportunity for an informal hearing before proceeding with the formal hearing.
2. Applicants requesting a review of a determination of denial shall submit a written request for review to the Chief, Bureau of Health/Nutrition, Family Services and Adult Education, CSDE, 25 Industrial Park Road, Middletown, CT 06457-1543. The written request must be postmarked not more than 14 days after the sponsor has received the original state determination.
3. The appellant may refute the charges contained in the notice of action either in person or in writing to the review official. The appellant must set forth in detail the matter which is being appealed, the reasons for the appeal, and the relief that is sought. If the appellant wishes to submit written documentation refuting the CSDE's decision, it must do so within seven days of submitting its request for a review and must include a photocopy of the notice of action issued by the CSDE.

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4. The appellant may have the opportunity to review any information upon which the action was based.
5. A hearing shall be held by the review official in addition to, or in lieu of, a review of written information submitted by the appellant only if the appellant so specifies in the letter of request for review.
6. The appellant may retain legal counsel, or may be represented by another person. Failure of the appellant's representative to appear at a scheduled hearing shall constitute the appellant's waiver of the right to a personal appearance before the review official, unless the review official agrees to reschedule the hearing.
7. A representative of the CSDE shall be allowed to attend the hearing to respond to the appellant's testimony and written information and to answer questions from the review official.
8. If the appellant has requested a hearing, the appellant and the CSDE shall be provided with five days advance written notice of the time and place of the hearing, sent by certified mail with return receipt requested.
9. The hearing shall be held within 14 days of the date of the receipt of the request for review, but, where applicable, not before the appellant's written documentation is received.
10. The Chief, Office of Legal and Governmental Affairs, CSDE, or his designee will serve as the hearing official. The Office of Legal and Governmental Affairs is not involved in making the original determination or recommendation.
11. Within two working days after the appellant's hearing or within two working days after receipt of written documentation if no hearing is held, the hearing official will make a report and recommendations regarding the disposition to the Chief, Bureau of Health/Nutrition, Family Services and Adult Education of the CSDE. The final determination of the issues will be made within five (5) days after the applicant's hearing or within five (5) days after receipt of written documentation, whichever occurs later. The appellant will be informed of the determination of the review by certified mail, return receipt request.
12. The CSDE's action shall remain in effect during the appeal process. However, participating sponsors and sites may continue to operate under the SFSP during an appeal of termination, and if the appeal results in overturning the CSDE's decision, reimbursement shall be paid for meals served during the appeal process. However, such continued operation under the SFSP shall not be allowed if the CSDE's action is based on imminent dangers to the health or welfare of children. If the sponsor or site has been terminated for this reason, the CSDE shall so specify in its notice of action.
13. The determination by the state review official is the final administrative determination to be afforded to the appellant.

APPEAL PROCEDURES FOR THE SFSP

APPEALS MUST BE DIRECTED TO:

Chief, Bureau of Health/Nutrition, Family Services and Adult Education
Connecticut State Department of Education
25 Industrial Park Road
Middletown, CT 06457-1543
860-807-2050

REVIEW OFFICIAL

Chief, Legal and Governmental Affairs or designee
Connecticut State Department of Education
P.O. Box 2219
Hartford, CT 06415-2219
860-713-6520

APPEAL PROCEDURES FOR THE SFSP

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;*
- (2) fax: (202) 690-7442; or*
- (3) email: program.intake@usda.gov.*

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	<p>For more information on SFSP policies, visit the CSDE's SFSP Policies and Procedures Web page or contact Caroline Cooke at caroline.cooke@ct.gov or 860-807-2144, Connecticut State Department of Education, Bureau of Health/Nutrition, Family Services and Adult Education, 25 Industrial Park Road, Middletown, CT 06457.</p>
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This document is available at www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/sfsp/ppSFSPappeal.pdf.

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Previous editions are obsolete