



## Child and Adult Care Food Program Appeal Procedure

A provider who participates in the Child and Adult Care Food Program (CACFP) under the sponsorship of Milestones may appeal actions taken by Milestones in accordance with this procedure. CACFP appeal procedures are authorized at 7 CFR 226.6(l). The following types of actions are appealable:

- Proposed termination for cause of CACFP agreement between provider and Milestones
- Suspension of provider's participation in CACFP

To appeal a Milestones action:

- Submit your written request for an appeal to: Executive Director, Milestones, CACFP Appeal Request. Your request for an appeal must be submitted no later than 10 days after you receive this notice. Your appeal request must include all of the required information listed in (2) Appeal Request and Deadline under Appeal Procedure-Rights and Responsibilities below.
- Milestones strongly recommends that an appeal request and any other written documentation be sent in a manner that provides proof of delivery, such as certified mail – return receipt requested.
  - Certify mail please address to 314 10<sup>th</sup> Ave S, Suite 180, Waite Park, MN 56387.
  - Regular mail please address to 314 10<sup>th</sup> Ave S, Suite 180, Waite Park MN 56387.
- Within 7 calendar days of receipt of your appeal request, Milestones will notify you by certified mail that your request has been received. The notification will include the name and contact information for the Appeal Official.

### Appeal Procedure – Rights and Responsibilities

(1) **Notice of Action** When an action is taken or proposed that is subject to appeal according to CACFP regulations, Milestones provides notice of the action to the Provider. The notice describes the action being taken or proposed, the basis for the action, and includes this CACFP Appeal Procedure.

(2) **Appeal Request and Deadline** To appeal the Sponsoring Organization's action, the Provider must submit an appeal request in writing to Executive Director, Milestones, CACFP Appeal Request, 314 10<sup>th</sup> Ave S, Suite 180, Waite Park, MN 56387 not later than 10 days after the date the notice of action is received. The Sponsoring Organization will acknowledge the receipt of an appeal request by certified mail, within 7 calendar days of Milestones receipt of the request, including the name of the Appeal Official and contact information.

An appeal request must include:

- Provider's name, mailing address, date of birth, provider number, and current phone number.
- Identification of Milestones action(s) that are being appealed.
- The appeal request must be signed and dated.

(3) **Representation** Provider may represent her/himself, or retain legal counsel, or be represented by another person.

(4) **Review of Record** Information on which Milestones' action was based must be available to Provider from the date of receipt of provider's appeal request.

(5) **Opposition** Provider may refute the findings contained in the notice of action by submitting written information to the Appeal Official. In order to be considered, written documentation must be submitted not later than 10 days after receipt of the notice of action.

(8) **Appeal Official** The Appeal Official must not be involved in the action that is being appealed and not have a direct personal or financial interest in the outcome of the appeal. Provider may directly contact the Appeal Official.

(9) **Basis for Decision** The Appeal Official will make a determination based solely on the information provided by Provider, information provided by Sponsoring Organization, Federal and State laws, regulations, policies, and procedures governing the Program.

(10) **Time for Issuing Decision** Within 30 calendar days of the Appeal Official's receipt of the appeal request, the Appeal Official will inform Provider of the appeal outcome(s) by certified mail, with copies to Milestones and Minnesota Department of Education, Food and Nutrition Service. This timeframe is an administrative requirement for Milestones and may not be used as a basis for overturning Milestones' action if a decision is not made within the specified timeframe.

The 30 calendar day time limit will NOT be adhered to when CACFP Participation is suspended due to imminent threat to the health or safety of the children in care. In such cases the Appeal Officials will make their decisions only after DHS has posted its ruling on the provider's licensing status.

(11) **Final Decision** The determination made by the Appeal Official is the final administrative determination to be afforded to the Provider.

(12) **Record** Milestones maintains searchable records of appeals and results, subject to Child and Adult Care Food Program requirements and the Minnesota Government Data Practices Act.

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity. Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by: mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; or fax:(833) 256-1665 or (202) 690-7442; or email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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This institution is an equal opportunity provider.