

Administrative Review Officer Roles and Requirements

What is an Administrative Review Official (ARO)?

- * An ARO is the person who decides whether or not the decision of the sponsor was correct

What are some good qualities for an ARO?

- * Impartial
- * Independent
- * Fair

Administrative Review Officials

- * The administrative review official's decision must be based on “the information provided by the [Sponsoring Organization] and Federal and State laws, regulations, policies, and procedures governing the Child and Adult Care Food Program (CACFP)” [7 CFR 226.6(k)(5)(viii)].

The role of the ARO is to:

- * Assesses the State agency's or sponsoring organization's action to propose termination;
- * Determine whether the actions taken by the sponsoring organization followed Federal regulations, policies, and procedures governing the CACFP; and
- * Base his/her decisions on the information presented by the sponsoring organization and Federal and State laws, regulations, policies, and procedures

The authority of the ARO does not include:

- * Interpreting the intent or expanding the meaning of Federal regulations;
- * Validating the serious deficiency determination;
- * Verifying whether corrective actions submitted by RPIs fully and permanently corrects Program violations; or
- * Establishing settlement of demands for overpayments.

If AROs do not abide by the
procedures set forth in 7 CFR
226.6(k)(f)

**USDA FNS MAY TAKE
ONE OR MORE OF THE
FOLLOWING ACTIONS:**

Possible Actions by USDA:

- * Temporarily withhold cash payments pending correction of the deficiency by the State Agency or sponsoring organization. The State agency must continue to make Program payments to CCFP participants during this administrative action;
- * Disallow all or part of the cost of the activity or action not in compliance and return these fund to FNS

Possible actions by USDA:

- * Wholly or partly suspend or terminate the award for the State agency's or sponsoring organization's Program;
- * Withhold further award for the Program; or
- * Take other remedies that may be legally available.

Finding at last USDA Management Evaluation: Can you spot the error?

- * Provider requested a hearing.
- * The hearing officer wrote in their report that the purpose of the hearing is to address the Serious Deficiency issued.
- * The hearing officer also wrote in their report that the Serious Deficiency is substantiated.

Answer

- * The report should have read:
- * The purpose of the hearing is to address the **proposed termination and disqualification** issued
- * The **termination and disqualification** is substantiated

Administrative Review Officials (AROs)

- * 11/21/14 USDA memo – Role and Requirements of Administrative Review Officials.
- * The administrative review official must be independent and impartial.

Sponsor's Role in Training AROs

- * Provide AROs with copies of training materials issued by the CCFP (CACFP federal regulations, policy memoranda, CCFP oversight books, DCH manual, etc.)
- * Provide “refresher” training annually
- * There must be a trained “understudy” ready to perform the role of ARO if the original ARO is unavailable

Any questions?