



Child Care Food Program

NOTICE OF RIGHT TO ADMINISTRATIVE REVIEW

The contractor is entitled to administrative review of Department of Health (DOH) actions, as provided by Title 7 Code of Federal Regulations Part 226 (7 CFR 226), which affect the Contractor's participation or reimbursements in the Child Care Food Program, including, but not limited to, proposed termination and disqualification. There are two types of administrative reviews permitted under 7 CFR 226.6(k): in-person hearing or review of written information only without a hearing (abbreviated administrative review). To obtain an administrative review, the Contractor and/or Responsible Principals or Responsible Individuals ("RPIs") **must** (1) submit a request in writing within 15 days after receiving of the Department's proposed action (see attached Review Forms and/or Meal Disallowance Forms which are incorporated herein by reference) **and** (2) include sufficient information to explain any disagreement with the Department's proposed action. The written request must be submitted within the 15-day period to:

Agency Clerk
Department of Health
4052 Bald Cypress Way, Bin No. A-02
Tallahassee, Florida 32399-1703
Telephone No. 850-245-4005
Facsimile No. 850-413-8743

To provide "sufficient information" in the request, the Contractor and/or RPI's must state: (a) whether they disagree or agree with some or all of the statements, facts, or conclusions in the Department's proposed action; and (b) what specific statements, facts, or conclusions are believed to be incorrect or correct, and why.

If a timely written request for administrative review is submitted, the Agency Clerk will acknowledge receipt of the request within 10 days. If the request contains "sufficient information" as described above, the Agency Clerk will appoint an administrative review official ("ARO") to conduct an administrative review. After appointment of the ARO, the Contractor and RPI's must submit written documentation to the ARO, in opposition to the proposed Department action, within 30 days after receipt of the Department's proposed action.

If a written request is not received by the Department within the 15-day period, the Contractor and/or RPI's will have waived their right to an administrative review. In this instance, the Department will notify the Contractor and/or RPI's that the review is no longer authorized and that the Department's proposed action has taken effect.

To request an in-person hearing rather than a review of written information only, the contractor and/or RPI's must request such a hearing in their initial request for an administrative review. A hearing will be granted only if it is not excluded by 7 CFR 226.6(k)(9). If the hearing is excluded under 7 CFR 226.6(k)(9) or a request for an in-person hearing is not made in writing, the Contractor and/or RPI's will be granted a written review of information only. The ARO may consider any evidence that he or she determines is credible, trustworthy, and would reasonably be relied upon by a prudent person in the conduct of his or her normal daily activities. Either party may be represented by counsel. If a hearing is requested, the parties may call witnesses to testify and may cross examine witnesses. Witnesses may testify by telephone and may be sworn over the telephone and be permitted to testify in narrative form. The ARO will issue a decision within 60 days of the Department's receipt of a timely filed written request for administrative review. However, if the decision is issued after the 60th day, this may not be used as a basis for overturning the Department's action. The ARO's decision is the final administrative determination to be afforded to the Contractor and/or RPI's by the Department of Health.