

**Iowa Department of Education  
Bureau of Nutrition and Health Services (State Agency)  
Child and Adult Care Food Program (CACFP)  
ORGANIZATION APPEAL PROCEDURES**

Your organization or you as an individual have received an adverse decision that you may appeal. The ORGANIZATION APPEAL PROCEDURES according to CACFP 7CFR Part 226.6 (k)(5) are as follows:

1. If you desire to appeal, you must do so within 15 days of the receiving the letter of adverse action and file a Notice of Appeal in the form of an affidavit with the Iowa Department of Education (Department). The affidavit must clearly state the adverse decision being appealed and the date of decision.
  - “Form of an affidavit” means that a notary public must witness your signature and sign the Notice of Appeal OR that you include the following statement with your signature: “I certify under penalty of perjury and pursuant to the laws of the state of Iowa that the preceding is true and correct.”
  - The Notice of Appeal shall be considered timely if it is postmarked, hand-delivered, or sent by facsimile transmission within the 15 day period (see address and number below).
  
2. The responsible principals and individuals named in the Proposal to Terminate the CACFP Agreement may appeal all adverse decisions bulleted below either individually or as part of the organization appeal. At the appeal official's discretion, separate appeals may be held if the organization does not request an appeal or if either the organization or the responsible principal or responsible individual demonstrates that their interests conflict. Those appealing have the right to retain legal counsel. Adverse decisions by the State agency include:
  - Denial of applications (for reasons other than those listed in abbreviated appeal procedures);
  - Denial of sponsored facility applications;
  - Denial of all or part of the claims for reimbursement, and/or submission of a false or fraudulent claim;
  - Proposed termination of an agreement;
  - Proposed disqualification;
  - Denial of start-up payments or expansion funds or advance pay (home sponsor organizations only);
  - Demand for remittance of an overpayment;
  - Demand for remittance for advance payments (home sponsor organizations only); or
  - The State agency denial to forward an exception request by the organization for payment of a late claim or a request for an upward adjustment of a late claim to the USDA Food and Nutrition Service (FNS) Mountain Plains Regional Office.
  - Any other action of the State agency affecting the participation, or an organization's claim for reimbursement.
  
3. The following actions are not appealable:
  - Denial of late claims;
  - USDA (FNS) decisions on claim deadline exceptions and requests for upward adjustments to a claim;
  - Determination of a serious deficiency;
  - State agency determination that the correction action plan is inadequate to completely and permanently correct a serious deficiency;
  - Termination from CACFP participation;
  - The State agency's determination that the approved corrective action was not completely and permanently implemented;
  - Disqualification and placement on the State agency list and National Disqualified List (NDL);
  - The State agency's or FNS's decision that an organization's corrective action is inadequate to be removed from the NDL; and
  - The State agency's refusal to consider its application to participate when either the organization or one of its principals is on the NDL or the State agency's refusal to consider an application submitted by a sponsoring organization on behalf of a sponsored facility that is on the NDL.

To be considered, evidence must be submitted to the review official within 30 days after receiving the notice of adverse decision. The Department shall notify the parties affected by the appeal of the hearing date and location at least ten (10) days prior to the hearing. All appeals must be addressed to:

Director  
Iowa Department of Education  
Grimes State Office Building, 2<sup>nd</sup> Floor  
400 E 14<sup>th</sup> St, Des Moines, IA 50319-0146  
  
Fax: 515-242-5988  
Phone: 515-281-5295

Questions about the appeal process may be addressed to the Administrative Assistant of the Hearing Official using the contact information provided above.