



Oregon

Kate Brown, Governor



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DEPARTMENT OF
EDUCATION

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Colt Gill

Director of the Oregon Department of Education

Appeal Procedure for a School Food Authority
requesting review of a denial of all or part of the Claim for Reimbursement or
withholding payment(s) arising from program reporting or administrative review activity
[Code of Federal Regulations -7 CFR 210.18 (p), 210.24, 210.25, 2 CFR 200.338 -200.342,
2 CFR 200.207, 2 CFR 200.210]

Appellant SFA's should send a written request for an appeal to:

Emily Nazarov, Government and Legal Affairs Manager
Oregon Department of Education
Office of Child Nutrition, Research, Accountability, Fingerprinting and Transportation
255 Capitol Street NE
Salem, OR 97310

1. The written request for a review shall be postmarked within 15 calendar days of the date the appellant School Food Authority (SFA) received the notice of the denial of all or a part of the Claim for Reimbursement or withholding of payment, and Oregon Department of Education (ODE) shall acknowledge the receipt of the request for appeal within 10 calendar days. *Notice* means a letter sent by certified mail, return receipt (or the equivalent private delivery service), by facsimile, or by email;
2. The appellant SFA may refute the action specified in the notice in person and by written documentation to the review official. In order to be considered, written documentation must be filed with the review official not later than 30 calendar days after the appellant SFA received the notice. The appellant SFA may retain legal counsel, or may be represented by another person. 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 SFA only if the appellant SFA so specifies in the letter of request for review. Failure of the appellant SFA's representative to appear at a scheduled hearing shall constitute the appellant SFA's waiver of the right to a personal appearance before the review official, unless the review official agrees to reschedule the hearing. A representative of ODE shall be allowed to attend the hearing to respond to the appellant SFA's testimony and to answer questions posed by the review official;
3. If the appellant SFA has requested a hearing, the appellant SFA and ODE shall be provided with at least 10 calendar days advance written notice, sent by certified mail, or its equivalent, return receipt requested or sent electronically by email or facsimile, of the time, date and place of the hearing;
4. Any information on which ODE's action was based shall be available to the appellant SFA for inspection from the date of the receipt of the request for review;

5. The review official shall be an independent and impartial official other than, and not accountable to, any person authorized to make decisions that are subject to appeal under the provisions of this appeal procedure;
6. The review official shall make a determination based on information provided by ODE and the appellant SFA, and on Program regulations contained in 7CFR Part 210;
7. The review official shall inform ODE and the appellant SFA of the determination within 60 calendar days of ODE's receipt of the request for review, by written notice, sent by certified mail, or its equivalent return receipt requested, or electronically by email or facsimile. The final determination shall take effect on the date the appellant SFA receives this written notice of the final decision of the review official;
8. ODE's fiscal action shall remain in effect during the appeal process; and
9. The determination by the review official is the final administrative determination to be afforded to the appellant SFA.

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