

# **Appeal Procedures**

**for the**

## **Summer Food Service Program (SFSP)**



Connecticut State Department of Education  
Bureau of Health/Nutrition, Family Services and Adult Education  
450 Columbus Boulevard, Suite 504  
Hartford, CT 06103-1841

**Revised April 2019**

# Appeal Procedures for the SFSP

## Availability of Appeal Procedure

In accordance with [7 CFR 225.13](#) of the federal regulations governing the SFSP, a sponsor or food service management company may request a hearing to appeal a state agency ruling of:

- a denial of an application for participation;
- a denial of a sponsor's request for an advance payment;
- a denial of a sponsor's claim for reimbursement (except for late submission under federal regulation [7 CFR 225.9\(d\)\(6\)](#));
- a state agency's refusal to forward to the U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS) an exception request by the sponsor for payment of a late claim or a request for an upward adjustment to a claim;
- a claim against a sponsor for payment of a late claim or a request for an upward adjustment to a claim;
- a claim against a sponsor for remittance of a payment;
- the termination of the sponsor or a site;
- a denial of a sponsor's application for a site; and
- a denial of a food service management company's application for registration or the revocation of that registration.

Appeals shall not be allowed on decisions made by the FNS with respect to late claims or upward adjustments under [7 CFR 225.9\(d\)\(6\)](#).

## Procedure for Requesting an Appeal

The procedures for filing an appeal in the SFSP are summarized below:

1. The sponsor or food service management company will be advised in writing of the grounds upon which the state agency based the denial or action. The notice of denial or action, which shall be sent by certified mail with return receipt requested, shall also include a full description of the sponsor's or food service management company's rights and responsibilities to appeal the State's action. At this time, the state agency will also advise the sponsor or food service management company in writing of the procedure to request such a review.
2. Applicants requesting a review of actions subject to appeal shall submit a written request for review to the Chief, Bureau of Health/Nutrition, Family Services and Adult Education, Connecticut State Department of Education, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103-1841. The written request must be postmarked not more than 14 days after the sponsor has received the original notice of action by the state.
3. The appellant may refute the charges contained in the notice of action either in person or in writing to the review official. The appellant must set forth in detail the matter which is being appealed, the reasons for the appeal, and the relief which is sought. If the appellant

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wishes to submit written documentation refuting the state agency's decision, it must do so within seven days of submitting its request for a review and must include a photocopy of the notice of action issued by the state agency.

4. The appellant shall have the opportunity to review any information upon which the action was based.
5. 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 only if the appellant so specifies in the letter of request of appeal.
6. The appellant may retain legal counsel, or may be represented by another person. Failure of the appellant's representative to appear at a scheduled hearing shall constitute the appellant's waiver of the right to a personal appearance before the review official, unless the review official agrees to reschedule the hearing.
7. A representative of the state agency shall be allowed to attend the hearing to respond to the appellant's testimony and written information and to answer questions from the review official.
8. If the appellant has requested a hearing, the appellant and the state agency shall be provided with five days' advance written notice, sent by certified mail, return receipt requested, of the time and place of the hearing.
9. The hearing shall be held within 14 days of the date of the receipt of the request for review, but, where applicable, not before the appellant's written documentation is received.
10. Within five working days after the appellant's hearing or within five working days after receipt of written documentation if no hearing is held, the reviewing official will make a determination based on a full review of the administrative record and inform the appellant of the determination of the review by certified mail, return receipt requested.
11. The state agency's action shall remain in effect during the appeal process. However, participating sponsors and sites may continue to operate under the SFSP during an appeal of termination, and if the appeal results in overturning the state agency's decision, reimbursement shall be paid for meals served during the appeal process. However, such continued operation under the SFSP shall not be allowed if the state agency's action is based on imminent dangers to the health or welfare of children. If the sponsor or site has been terminated for this reason, the state agency shall so specify in its notice of action.
12. The determination by the state review official is the final administrative determination to be afforded to the appellant.

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### Appeals must be directed to:

John D. Frassinelli  
Chief, Bureau of Health/Nutrition, Family Services and Adult Education  
Connecticut State Department of Education  
450 Columbus Boulevard, Suite 504  
Hartford, CT 06103-1841  
860-807-2050

### Review Official

Hearing officer from the Impartial Hearing Board Panel of the State Board of Education  
Connecticut State Department of Education  
P.O. Box 2219  
Hartford, CT 06415-2219  
860-713-6520

Revised April 2019

*Previous editions are obsolete*

## Appeal Procedures for the SFSP

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To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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Inquiries regarding the Connecticut State Department of Education's nondiscrimination policies should be directed to: Levy Gillespie, Equal Employment Opportunity Director/Americans with Disabilities Coordinator (ADA), Connecticut State Department of Education, 450 Columbus Boulevard, Suite 607, Hartford, CT 06103, 860-807-2071, [levy.gillespie@ct.gov](mailto:levy.gillespie@ct.gov).



For more information on the SFSP, visit the CSDE's [SFSP](#) website or contact Caroline Cooke at [caroline.cooke@ct.gov](mailto:caroline.cooke@ct.gov) or 860-807-2144, Connecticut State Department of Education, Bureau of Health/Nutrition, Family Services and Adult Education, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103-1841.

This document is available at <https://portal.ct.gov/-/media/SDE/Nutrition/SFSP/ppSFSPappeal.pdf>.