

4C Child Nutrition Program (CNP) Appeal Procedures

If your participation in the CNP is terminated for cause by 4C, you have the right to appeal that determination to a 4C official who was not involved in the decision making process. Outlined below are the procedures that must be followed by both 4C Child Nutrition Program and the family child care provider.

- (1) The family child care provider shall be advised in writing of the grounds on which 4C based its action. The notice of action, which shall be sent by certified mail, return receipt requested, shall also include a statement indicating: that the provider has the right to appeal the action; and that the provider may continue to receive reimbursement, supported by valid records, during the course of an appeal, unless the basis for the termination was a serious health or safety issue.
- (2) The written request for an appeal review must be sent to 4C no later than 15 calendar days from the date the provider received the notice of action. **The request must include: the name, address, telephone number, and signature of the person requesting the appeal, and a statement of what resolution you are requesting. The provider may request a face-to-face hearing if one is desired; otherwise an administrative review of the record will be conducted.** The 4C review official shall acknowledge the receipt of the request for appeal within 10 calendar days.
- (3) If the provider has requested a hearing, the review official will call the provider to set a time for the review hearing.
- (4) The family child care provider may refute the issues contained in the 4C notice of action in person (if a face-to-face hearing is requested) and/or by writing to the review official. If the provider has requested an in-person appeal hearing, failure of the provider to appear at a scheduled hearing shall constitute the provider'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 4C who is familiar with the case shall be allowed to attend the hearing to answer questions posed by the review official.
- (5) Any information on which 4C's action was based shall be available to the provider for inspection if a review hearing is requested.
- (6) The review official shall be a 4C official not involved in decision-making on the matter being appealed.

- (7) The review official shall make a determination based on information provided by the 4C Child Nutrition Program, the family child care provider and on CACFP Program regulations.
- (8) Within 60 calendar days of the receipt of the request for review, the review official shall inform the 4C Child Nutrition Program and the provider of the determination of the review.
- (9) The family child care home provider may continue to receive reimbursement for meals served, **supported by valid records**, during the appeal process, except in the case of a termination based upon serious health or safety violations. If the family child care provider elects not to exercise the right to appeal, then no further reimbursement shall be paid after the date of 4C's letter of action.
- (10) The determination by the review official is the final administrative determination to be afforded to the family child care home provider.

What action can be appealed?

A determination to terminate the family child care home provider's participation in the CNP for cause.

How do I file for an appeal?

First, read the procedures outlined above completely and thoroughly. Any failure to exactly follow the procedures outlined may result in the loss of your appeal rights.

The written request for review shall be filed by the family child care home provider not later than 15 calendar days from the date the family child care home provider received the notice of action from the sponsor. The written request should be sent via certified mail, return receipt requested, and addressed to:

**4C
Greg Varner
2100 Sherman Avenue #307
Cincinnati, Ohio 45212**

Phone: 513-758-1205