



DOH-CACFP: Number 220 (12/22)
Supersedes Number 155 (10/12)

TO: All CACFP Sponsoring Organizations

FROM: Danielle Quigley, MS, RD, CDN *Danielle Quigley, MS, RD, CDN*
Director, Bureau of Child and Adult Care Food Programs

SUBJECT: Appealing an Adverse Action by CACFP - Denial of an Application

I. Purpose and Scope

Organizations whose application to participate in the Child and Adult Care Food Program (CACFP) is denied are entitled to appeal CACFP's decision. This memo describes the steps to appeal the denial of an application to participate in CACFP.

II. Procedure for Appealing

CACFP will notify the applicant in writing if their application to participate in CACFP has been denied. An applicant who disagrees with the denial decision may appeal that action by submitting a written request to the CACFP State Director. The letter must be **received** by CACFP within 15 calendar days of when the original notice of action is received from CACFP.

A. The appeal must include the following:

1. The name and address of the organization
2. The reason(s) the organization disagrees with the action
3. The name, title and signature of an individual legally authorized to represent the organization.
4. This letter must be sent to:
State Director, CACFP
NYSDOH-DON
Riverview Center
150 Broadway Suite 600
Albany, NY 12204-2719

III. Next Steps

CACFP will acknowledge the receipt of an applicant's appeal within 10 days of receipt of the appeal letter. This confirmation will be in writing. A copy will be sent to NYS DOH Bureau of Adjudication.

The organization has the right to submit documents concerning the accuracy of CACFP's determination to deny the application. These documents must be received by CACFP within 30 calendar days of the date the applicant received the original notice of action from CACFP.

- A. Any information on which CACFP's action was based will be available to the applicant for inspection from the date that CACFP receives their appeal.
- B. An independent and impartial review official will make a determination based solely on the information provided by CACFP, the applicant, and responsible principals of the organization, within 60 days of the receipt of the appeal. The determination will be communicated, in writing, to the applicant, named individuals, and CACFP.
- C. The determination of the review official is the final administrative determination available to the applicant and all named parties.
- D. CACFP's action will remain in effect during the administrative review. Claims for reimbursement will not be paid without an approved application or a signed agreement between an organization and CACFP.

IV. General Information

If you have any questions about the right to appeal the denial of your application to participate in CACFP, please refer to 7 CFR 226.6 or contact CACFP at 1-800-942-3858 or 518-402-7251 or cacfp@health.ny.gov.