

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

Your institution or you as a Childcare Home Provider have received an adverse decision from which you may appeal. The appeal procedures under CACFP are as follows:

1. If you desire to appeal, you must do so within 15 days of the date of the decision complained of (not the date the decision was received by you) by filing with the Iowa Department of Education ("Department") a Notice of Appeal in the form of an affidavit, clearly stating the adverse decision being appealed and the date of decision.
  - a. "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."
  - b. The Notice of Appeal shall be considered timely if it is postmarked within the 15 day period, or hand-delivered or sent by facsimile transmission (see address and number below) within the 15 days.
  
2. Persons named in the Proposal to Terminate the CACFP Agreement may appeal all adverse decisions bulleted below either individually or as part of the institution appeal. Childcare Home Providers shall appeal individually on their own behalf for adverse decisions (***only those in bold italics***) by the Home Sponsor. Adverse decisions by the Bureau of Nutrition and Health Services of the Iowa Department of Education (herein called "the State Agency") include:
  - Denial of applications [(except under 226.6 (k)(9) which requires the abbreviated appeal procedures)];
  - Denial of sponsored facility applications;
  - Denial of all or part of the claims for reimbursement, submission of a false or fraudulent claim;
  - ***Suspension for immediate hazards to participants***, proposed suspension or ***proposed termination of an agreement***;
  - Proposed disqualification;
  - Denial of start-up payments or expansion funds or advance pay;
  - Demand for remittance of an overpayment;
  - Demand for remittance for advance payments; or
  - Any other action of the State Agency affecting the participation, or an institution's claim for reimbursement. Denial of late claims is exempted from the appeal procedure. However, institutions may appeal the State Agency denial to forward an exception request by the institution for payment of a late claim or a request for an upward adjustment of a late claim to the USDA Mountain Plains Regional Office, Food and Nutrition Service in Denver, CO.
  
3. 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.
  
4. All appeals may 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

Questions about the appeal process may be addressed to:  
Administrative Assistant to the Hearing Officer  
(Same address as Director)  
Phone: 515-281-5295