

**Termination and Appeal Procedure for Child Care Providers
Participating in the PA State Child and Adult Care Food Program (CACFP)**

I. Grounds for termination for cause from the CACFP include, but are not limited to, the following:

A. Submitting a fraudulent claim(s):

- Claiming meals not actually served.
- Claiming meals for children who are not present or not enrolled for care.
- Claiming meals under different Sponsoring Organizations (SO).

B. Participating without a valid license.

C. Failing to complete the required corrective action during the allotted period of time.

D. Refusing entry to the SO, the PA State Department of Education, or the U.S. Department of Agriculture staff. D. Falsifying information on CACFP forms and documents.

E. Failing to follow CACFP regulations. Posing an imminent threat to the health or safety of children, as determined by the licensing authority AFTER the provider's appeal rights through the licensing agency are exhausted.

F. The- Provider's written appeal request must be accompanied by the SO's INTENT TO TERMINATE letter.

II. Procedures for Termination:

A. The SO will issue a written notice of intent to terminate the provider, if the provider fails to complete the required corrective action, as indicated. The notice specifics are:

B. Send notice by certified and standard mail.

- Include Appeal Procedures;
- Inform provider of their right to claim reimbursement during the appeal process until the Appeal Board makes a final decision;
- List the reason for the Intent to Terminate; and
- Specify the corrective action.

C. The SO will issue a certified, termination notice if the intent to terminate is not appealed or the provider loses the appeal. " Send notice by certified mail, » Include Appeal Procedures; and " Inform provider of their right to claim reimbursement during the appeal process until the Appeal Board makes a final decision.

D. The SO will forward copies of all intent to terminate, termination notices, and appeal notices, documentation and decisions to the PA State Department of Education.

III. Appeal Procedures:

- A. A provider may appeal the SO's INTENT TO TERMINATE letter by mail. An appeal by mail must be received (or postmarked) within fifteen (15) calendar days of the date on which the SO's intent to terminate was issued.
- B. You may file your appeal by mail. If you appeal by mail, the appeal is filed as of the date of the U.S. Postal Service postmark or a U.S. Postal Service form 3817 (Certificate of Mailing) or a U.S. Postal Service certified mail receipt. If there is no U.S. Postal Service postmark, the date of filing will be the date of a postage meter mark on the envelope containing the appeal. If the appeal contains neither a postmark nor a postage meter mark, the date of filing will be the date recorded by the Department when the appeal is received. Your appeal should be mailed to the following address:

Mrs. Joetta Szczerbinski
C/O YMCA Pittsburgh Allegheny Branch
600 W. North Avenue Pittsburgh, PA 15212
Phone number: 412-323-1922
E-mail: jszczerbinski@ymcapgh.org

All appeals must be accompanied by a copy of the SO's INTENT TO TERMINATE letter.

When the fifteenth (15th) day of the appeal period falls on a weekend (Saturday or Sunday) or holiday, the appeal period is extended to the next business day.

If an appeal is filed after the fifteen (15) day appeal period has elapsed, the Appeal Board will rule on the timeliness of the appeal.

C. The appeal review must be held within sixty, (60) days of receipt of the provider's request for a review.

D. The Association shall appoint an Appeal Board for each hearing. The Appeal Board shall consist of a minimum of three (3) individuals, with two (2) alternates. Those selected for the Board should be impartial, independent, and not involved in the termination of the provider.

E. The Appeal Board Chairperson will determine the deadline for submission of documentation by the provider and the SO. Upon receipt, the Appeal Board Chairperson will exchange submitted information with the two parties and allow not more than ten (10) calendar days for the submission of additional information. The Appeal Board will make their decision based on the submitted documentation, USDA Regulations, and PDE policies.

F. Providers may continue to claim CACFP reimbursement during the appeal process until the final decision of the Appeal Board.

G. The Appeal Board will notify the provider, the Sponsor, and the PA State Department of Education, of their decision within 15 days from the date of the review.

H. The decision of the Appeal Board is final.

I. If the provider loses their appeal or fails to provide documentation to support their appeal request, the Appeal Board will notify the SO and the SO will send the provider a termination letter by certified mail.

J. Before the Sponsor submits a provider to PDE for placing on the NATIONAL DISQUALIFIED LIST, the Sponsor must check with the Appeal Chairperson to insure that the provider is not under Appeal.

IV. Consequences:

- A. If a provider voluntarily resigns or withdraws during the appeal process, the PA Department of Education and the USDA will place the provider on the National Disqualified List for seven years.
- B. If a provider loses their appeal, they will be automatically placed on the National Disqualified List for seven years by the PA Department of Education and the USDA.

Please note: All correspondence must first be sent to the Appeals Chairperson listed below. This chairperson will receive the letters or requests to appeal. Then, the chairperson will contact and assign a committee to review the appeal and proceed.

Appeals Chairperson:
Mrs. Joetta Szczerbinski
C/O YMCA Pittsburgh Allegheny Branch
600 W. North Avenue Pittsburgh, PA 15212
Phone number: 412-323-1922
E-mail: jszczerbinski@ymcapgh.org