



COMMODITY SUPPLEMENTAL FOOD PROGRAM  
POLICY AND PROCEDURE MANUAL

SUBJECT:	Adverse Action Notifications	Chapter:	2
		Section:	2.7
REFERENCES:	7 CFR 247.15, 7 CFR 247.17, 7 CFR 247.20 and 7 CFR 247.33	Page:	1 of 3
		Revised:	04-2014

**PURPOSE:** To provide guidance for notifying individuals of ineligibility for, discontinuance of or disqualification from CSFP.

**POLICY:** Individuals must be given written notification of any decision made by the local agency regarding ineligibility for, discontinuance of or disqualification for CSFP benefits including the reason for the action and be provided within the time frames designated in accordance with the federal regulation.

**PROCEDURES:**

- A. The statement, “You may appeal any decision made by the local agency regarding your denial or termination from the Program” appears on the Participant Application, Attachment 2.1, and will be read by or to each applicant as part of certification.
- B. When certification periods expire, appeal rights notification is not required per 7 CFR 247.33(a). Certification and extension of certification periods depends on caseload availability, whether applicants are waiting, and eligibility. See Sections 2.1, 2.6 and 2.8.
- C. A person found ineligible for the Program during the certification process shall be advised in writing of the reasons for ineligibility and of the right to a fair hearing using Attachment 2.7, Notice of Adverse Action **within 10 days from the date of application**. The date written notice was provided to participant must be entered on the Participant Application. See Section 2.1 paragraph J (2).
- D. If a local agency has evidence that a participant is no longer eligible for CSFP benefits during the certification period, it must provide the participant with a written notification of discontinuance including the reason for discontinuance **at least 15 days before the effective date of discontinuance** using Attachment 2.7, Notice of Adverse Action. Documentation of the notification shall be maintained on a log or a copy retained in the individual’s file.
- E. If a participant is no longer eligible for CSFP benefits due to violation of the established “no-show” policy, the local agency must provide the participant with a written notification of discontinuance including the reason for discontinuance **at least 15 days before the effective date of discontinuance** using Attachment 2.7, Notice of Adverse Action. Documentation of the notification shall be maintained on a log or a copy retained in the individual’s file.



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- F. If a local agency does not have sufficient resources, such as a sufficient number of caseload slots, to continue providing benefits to the participant(s) for the entire certification period, it must provide the participant(s) with a written notification of discontinuance including the reason for discontinuance **at least 15 days before the effective date of discontinuance**. Documentation of the notification shall be maintained on a log or a copy retained in the individual's file.
- G. CSFP applicants or participants, or parents or caretakers of applicants or participants who commit program violations may be disqualified for a period of up to one year in accordance with 7 CFR 247.20. The local agency must provide the individual with written notification of disqualification for CSFP including the effective date and period of disqualification and the reason for the disqualification **at least 15 days before the effective date of disqualification** using Attachment 2.7, Notice of Adverse Action. Program violations include the following actions:
1. Intentionally making false or misleading statements, orally or in writing;
  2. Intentionally withholding information pertaining to eligibility in CSFP;
  3. Selling commodities obtained in the program, or exchanging them for non-food items;
  4. Physical abuse, or threat of physical abuse, directed at program staff; or
  5. Participating in two CSFP sites at the same time.
- H. Disqualification may be waived if the local agency determines that disqualification would result in a serious health risk. Waiver of disqualification must be documented and retained in the participant's file. A participant who commits three program violations that involve fraud must be permanently disqualified from participation in CSFP. In accordance with 7 CFR 247.20 (b), for the purposes of this program, fraud includes:
1. Intentionally making false or misleading statements to obtain CSFP commodities;
  2. Intentionally withholding information to obtain CSFP commodities; or
  3. Selling CSFP commodities, or exchanging them for non-food items.



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- I. Attachment 2.7, Notice of Adverse Action must be used because it includes a statement of the individual's right to appeal the adverse action through the fair hearing process and a statement that informs the individual that program standards are applied without discrimination by race, color, national origin, age, sex or disability.
- J. Individuals wishing to appeal ineligibility for, discontinuance of or disqualification for CSFP benefits have **60 days from the date of notice of adverse action**. A request for a hearing is defined as any clear expression by the individual, guardian, or other representative that an opportunity to present its case to a Hearing Officer is desired.
- K. See Section 12.1 for details about fair hearings for individuals. Attachment 12.1 the "Appeals Process" shall be posted at all certification and distribution sites and copies shall be available upon request.