

Missouri Department of Health and Senior Services Summer Food Service Program

Appeal Flyer

Appeals of the Department of Health and Senior Services (DHSS) actions are conducted before an independent administrative hearings officer in the DHSS Appeals Unit. To contact the DHSS Appeals Unit, call (573) 522-1699, fax (573) 751-0247, or email DHSS.Appeals@health.mo.gov.

What can be appealed?

A sponsor may appeal any of the following actions the DHSS takes relating to its participation in the Summer Food Service Program (SFSP) or claims for reimbursement (7 CFR 225.6(b)(3) and 7 CFR 225.13):

- Denial of an application for participation.
- Denial of a sponsor's request for an advance payment.
- Denial of a sponsor's claim for reimbursement (except when submitted after the deadline [See 7 CFR § 225.9(d)(6)]).
- DHSS' refusal to forward to USDA's Food and Nutrition Administration (FNA) the sponsor's requested exception for payment of a late claim or a request for an upward adjustment to a claim.
- Claim against a sponsor for remittance of a payment.
- Termination of a sponsor's or a site's participation in the program.
- Denial of a sponsor's application for a site.
- Denial of a food service management company's application for registration, if applicable.
- Revocation of a food service management company's registration, if applicable.

A sponsor **cannot** appeal decisions the FNA makes relating to late claims for reimbursement or request for upward adjustments under 7 CFR 225.9(d)(6).

How can a sponsor appeal?

- Appeal requests must be ***in writing***.
- A sponsor can either:
 - ✓ Email the appeal request to SFSP@health.mo.gov
 - ✓ Fax the appeal request to 573-526-3679; or
 - ✓ Mail the appeal request to:

Missouri Department of Health and Senior Services
Community Food and Nutrition Assistance
ATTN: SFSP Appeals
PO Box 570
Jefferson City, MO 65102

- The DHSS must **receive** the appeal request ***no more than 14 calendar days*** after the sponsor receives the notice of the DHSS's action.

What should a sponsor include in its appeal request?

- The sponsor's name, telephone number, and mailing address.
- The name and title (printed or typed) of the sponsor's contact person or authorized representative.
- The DHSS action(s) that the sponsor is appealing, the reason(s) the sponsor is appealing, and the action(s) the sponsor wants the DHSS to take instead (i.e., the remedy the sponsor is seeking).
- Whether the sponsor is requesting an abbreviated administrative review and/or an administrative hearing.

What are the types of administrative review?

- **Abbreviated administrative review:** a review of written documentation only.
 - In an abbreviated review, both the sponsor and the DHSS submit written documentation and information for the hearing officer to consider when deciding the appeal.
 - A sponsor requesting a written review may choose to have an abbreviated administrative review even if it is entitled to a full, in-person hearing.
 - To be considered by the hearing officer, the sponsor must submit all written documentation and information in support of its appeal to the hearing officer **within seven calendar days** of the date it submits its appeal request (7 CFR 225.13(b)(4)).
 - A sponsor cannot request an in-person administrative hearing after the abbreviated administrative review has taken place.
- **Administrative hearing:** an in-person hearing at which the sponsor and the DHSS submit verbal testimony and evidence.
 - The Appeals Unit hearing officer can hold a hearing in addition to, or instead of, an abbreviated administrative review **only if the sponsor requests a hearing in its appeal request**.

Additional information:

- The Appeals Unit hearing officer will send the sponsor a letter giving the date, time, and location of the administrative hearing (if an administrative hearing was requested) and/or the date any written documentation and information in support of the sponsor's appeal is due and submission information.
- If the sponsor requests an administrative hearing and fails to appear at the hearing, the sponsor waives the right to an in-person appearance before the Appeals Unit hearing officer unless the hearing officer agrees to reschedule the hearing.
- The sponsor may retain private legal counsel or may be represented by another person. 7 CFR 225.13(b)(5).
- The DHSS will have legal counsel representation for both in-person hearings and abbreviated administrative (written) reviews.
- The Appeals Unit hearing officer must make a decision within five business days of either holding an administrative hearing or receiving the written documentation from the sponsor and the DHSS.

Remember these deadlines:

- The DHSS must receive the sponsor's appeal request within **14 calendar days** of the sponsor receiving notice of the DHSS's actions.
- The sponsor must submit any written documentation to the hearing officer within **seven calendar days** of submitting the appeal request.

For more information: Call the DHSS at 888-435-1464.

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