

Prototype Letter 20: Notice of Temporary Deferment of Serious Deficiency and Proposed Termination and Disqualification for Providers (After provider wins appeal/prevails/is upheld)

[Note: Send this letter by certified mail/return receipt, an equivalent private delivery service (such as FedEx), fax, or e-mail as required by 7 CFR 226.2, definition of "notice" in the regulations.]

Date

Provider Name

Provider Street Address

Provider City, State 00000

Dear [Provider]:

This letter concerns our [date] Notice which proposed to terminate your agreement to participate in the Child and Adult Care Food Program (CACFP) for cause. In that letter, we also proposed to disqualify you from further CACFP participation. These actions were based on the determination in our [date] Notice that you are seriously deficient in your operation of the CACFP.

You filed a timely appeal of the proposed termination and disqualification. On [date of hearing official's decision], the hearing official issued a decision on the appeal. In that decision, the hearing official overturned both of our proposed actions.

SERIOUS DEFICIENCY DETERMINATION TEMPORARILY DEFERRED

As a result, we have temporarily deferred our serious deficiency determination as of [date of hearing official's decision]. We are also temporarily deferring the proposed termination of your agreement for cause and your disqualification as of the same date. However, you must still implement procedures and policies to permanently correct the serious deficiencies. If we initially determine that the corrective action is complete, but later determine that the serious deficiency(s) has recurred, we **must** move to immediately to issue a notice of intent to terminate for cause and disqualify you from future participation in the Program.

Sincerely,

Sponsoring Organization Employee Name and Title

cc: State Agency