

**Prototype Letter 23: Notice of Termination and Disqualification for DCHs
(Imminent threat to health or safety, after sponsoring organization 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 the [*date*] combined Notice which suspended your participation in the Child and Adult Care Food Program (CACFP). In that letter, we also proposed to terminate your CACFP agreement for cause and to disqualify you from further CACFP participation. These actions were based on the determination that you were seriously deficient in your operation of the CACFP and posed an imminent threat to the health or safety of CACFP participants or the public.

You filed a timely appeal of the suspension and proposed termination and disqualification. On [*date of appeal official’s decision*], the Administrative Review Official issued a decision on all of the appeals. In that decision, the suspension and proposed actions were upheld.

TERMINATION AND DISQUALIFICATION

As a result of this decision, the sponsoring organization is:

- Terminating your agreement to participate in the CACFP for cause effective on the date of this letter; and
- Disqualifying you from future CACFP participation effective on the date of this letter.

As a result of your disqualification, your name will be placed on the National Disqualified List (NDL). While on the NDL, you will not be able to participate in the CACFP as a day care home provider. In addition, you will not be able to serve as a principal in any CACFP institution or facility.

You will remain on the NDL until USDA’s Food and Nutrition Service, in consultation

with the [*State agency*] and [*Sponsoring Organization*] determines that the serious deficiencies have been corrected, until seven years after your disqualification. However, if any debt relating to the serious deficiencies has not been repaid, you will remain on the list until the debt is repaid.

These actions are being taken pursuant to 7 CFR 226.16(l) of the CACFP regulations.

SUMMARY

The sponsoring organization is terminating your CACFP agreement for cause and disqualifying you. You may not appeal the termination for cause or the disqualification. Since your participation was suspended, you may only claim reimbursement for valid meals served up until (insert date of suspension). You must submit a claim for these meals by [*insert a date that will give the provider an appropriate length of time to submit these claims*].

Sincerely,
Sponsoring Organization Employee Name & Title

cc: State Agency