

**Appeal Procedures  
For Administrative Reviews  
As Required by  
United States Department of Agriculture  
Conducted by  
School Nutrition Programs  
Delaware Department of Education (DDOE)**

Actions Which Can Be Appealed

In accordance with 7 CFR §210.18(p), a local education agency may appeal DDOE's findings arising from administrative activity and resulting in the denial of all or part of the Claim for Reimbursement or withholding payment.

Appeal Procedure to be Followed

After DDOE provides the local education agency with written notice electronically via email, which details the grounds on which the denial of all or a part of a Claim for Reimbursement or withholding payment was made, the following procedures will apply:

- (1) The local education agency's written request for appeal must be postmarked within fifteen (15) calendar days of the date the appellant received the notice of the denial of all or a part of the Claim for Reimbursement or withholding of payment, and the DDOE must acknowledge the receipt of the request for appeal within ten (10) calendar days. The acknowledgement will include the name and address of the Administrative Review Officer (ARO) reviewing the case;
- (2) The appellant may refute the action specified in the notice in person and by written documentation to the review official. In order to be considered, written documentation must be filed with the review official not later than thirty (30) calendar days after the appellant received the notice. The appellant may retain legal counsel or may be represented by another person. A hearing shall be held by the review official in addition to, or in lieu of, a review of written information submitted by the appellant only if the appellant so specified in the letter of request for review. Failure of the appellant local education agency's representative to appear at a scheduled hearing shall constitute the appellant local education agency's waiver of the right to a personal appearance before the review official, unless the review official agrees to reschedule the hearing. A representative of DDOE shall be allowed to attend the hearing to respond to the appellant's testimony and to answer questions posed by the review official;
- (3) If the appellant has requested a hearing, the appellant and DDOE shall be provided with at least ten (10) calendar days advance written notice, sent electronically via email, of the time, date and place of the hearing;
- (4) Any information on which DDOE's action was based shall be available to the appellant for inspection from the date of receipt of the request for review. If alterations or adjustments can be developed that are agreeable to both the appellant and DDOE, such procedure will be followed;
- (5) The review official shall be an independent and impartial official other than, and not accountable to, any person authorized to make decisions that are subject to appeal under the provisions of this section;

- (6) The review official shall make a determination based on information provided by DDOE and the appellant, and on Program regulations;
- (7) Within sixty (60) calendar days of DDOE's receipt of the request for review by written notice, sent electronically via email, the review official shall inform DDOE and the appellant of the determination of the review official. The final determination shall take effect upon receipt of the written notice of the final decision by the local education agency;
- (8) DDOE's action shall remain in effect during the appeal process; and
- (9) The determination by the State review official is the final administrative determination to be afforded to the appellant.

Appeals must be directed to:

**Office of the Secretary of Education  
Administrative Review Officer  
Department of Education  
401 Federal Street, Suite #2  
Dover, DE 19901**