



ADMINISTRATIVE RULES OF MONTANA

37.5.123 CHILD AND ADULT CARE FOOD PROGRAM (CACFP): APPLICABLE ADMINISTRATIVE REVIEW (APPEAL) PROCEDURES FOR INSTITUTIONS, RESPONSIBLE PRINCIPALS, AND RESPONSIBLE INDIVIDUALS

- (1) Administrative reviews (appeals) are available to the extent granted in 7 CFR 226.6. The provisions of ARM 37.5.304, 37.5.307, 37.5.310, 37.5.311, 37.5.313, 37.5.316, 37.5.318, 37.5.322, 37.5.325, 37.5.331, 37.5.334, and 37.5.337 do not apply to such administrative reviews.
- (2) An administrative review of adverse actions will be limited to a review of the written information, federal policies, 7 CFR 226, state laws, and administrative rules, policies and procedures governing the program unless the affected institution or its responsible principals or individuals request a hearing in addition to, or in lieu of, a review of written information.
- (3) A notice of action from the department to the institution and responsible principals and individuals will be issued as required by 7 CFR 226.6(k). The notice of action required by 7 CFR 226.6(k) must state that in the event the institution or responsible principals and individuals choose an administrative review of an action, a hearing will be held by the review official in addition to, or in lieu of, a review of written information, only if the institution or the responsible principals or individuals so requests in the letter requesting an administrative review.
- (4) An administrative review will be conducted in person in Helena, Lewis and Clark County, Montana, at a location designated by the Office of Fair Hearings, unless the parties mutually agree to conduct the administrative review telephonically.
- (5) The written request for an administrative review must be received by the Office of Fair Hearings within 15 calendar days of the date of receipt of the notice of action by the institution or, in the event of a serious deficiency, the date of receipt by the responsible principals and individuals.

Authorizing statute(s): 50-1-202, MCA

Implementing statute(s): 50-1-202, MCA

History: NEW, 2000 MAR p. 1653, Eff. 6/30/00; AMD, 2004 MAR p. 577, Eff. 3/12/04.