

Appeal Process for Maine Department of Education National School Lunch Program

Sec. 1 Purpose

A Local Education Agency (LEA) may appeal the denial of all or a part of the Claim for Reimbursement or withholding payment arising from administrative or follow-up review. This document outlines the process for such an appeal pursuant to 7 CFR §210.18(p).

When the Administrative Review is conducted by the U.S. Department of Agriculture, the appeal process outlined in 7 CFR §210.2(d)(3) shall be followed by the LEA.

Sec. 2 Appeal Process

- (1) The LEA may initiate an appeal by filing written request for review within fifteen (15) calendar days of receipt of notice of withholding of payment or a reclaim of reimbursement. The request shall be submitted to: Commissioner, Maine Department of Education, 23 State House Station, Augusta, Maine 04333.
 - a. The LEA may request either an in-person hearing or a written decision. The LEA must clearly state in its appeal request which type of appeal it is seeking
 - b. Untimely appeals will not be considered.
- (2) The Department shall acknowledge receipt of the request with ten (10) calendar days of receiving the request.
- (3) Once the appeal request is received, the Department will assign an independent and impartial hearing officer to decide the appeal.
- (4) The LEA may retain legal counsel, or may be represented by another person.
- (5) Any information on which the Department's action was based shall be available to the LEA for inspection from the date the appeal request was received by the Department.
- (6) In order to be considered, written documentation must be filed with the hearing officer no later than thirty (30) calendar days after the LEA received the notice.
- (7) If a hearing is requested, the hearing officer will provide the parties with at least ten (10) calendar days' notice of the time, date, and location of the hearing. The hearing will be held no later than 45 days after the Department's receipt of the request for review.
- (8) Failure of the LEA or its representative to appear at a scheduled hearing shall constitute a waiver of its right to a personal appearance before the independent hearing officer.
- (9) A representative of the Department shall be allowed to attend the hearing to respond to the LEA's testimony and written information and to respond to questions from the hearing officer.
- (10) The Department's action shall remain in effect during the appeal process.

- (11) The hearing officer shall make a decision based on information provided by the Department, the LEA, and on program regulations.
- (12) The hearing officer's decision will be rendered within sixty (60) days from the date the appeal request was received by the Department. The decision will be sent through the communication method set by the independent hearing officer and if by mail, certified with return receipt requested.
- (13) The hearing officer's decision is the final determination.

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