

Sponsor Letterhead

Serious Deficiency Process

Letter D: Notice of Proposed Termination and Disqualification (Repeat Finding of Serious Deficiency after Notice of Temporary Deferment of the Serious Deficiency)

Date

Provider's Name

Provider's Street Address

Provider's City, State, Zip code

Licensed/Unlicensed Provider Number/Sponsor Assigned Provider Number

Provider's Date of Birth

Certified Return Receipt #

Notice of Proposed Termination and Disqualification

Dear [Provider]:

This letter is being sent via [certified mail, return receipt (or the equivalent private delivery service), by facsimile or by e-mail address and regular mail]. It will be considered delivered five days from the date it is mailed. [Sponsor] has a responsibility to the United States Department of Agriculture (USDA) and the Michigan Department of Education (MDE) to properly monitor child care providers to ensure compliance with the regulations and requirements of the Child and Adult Care Food Program (CACFP).

A notice of serious deficiency for [list specific regulation citations and/or specific citations from the sponsor/provider agreement that suggests the serious deficiency determination]. If the specific deficiency is not specifically listed, cite 7 CFR 226.16(l)(2)(ix) "any circumstance related to non-performance under the sponsoring organization day care home agreement" was mailed to you on [date]. You were asked to write and submit a Corrective Action Plan (CAP) by [date]. On [date], your CAP was received and approved. A Notice of Temporary Deferment of Serious Deficiency was sent to you on [date] based on the approval of your CAP.

Based on the [review/parent survey/etc. and date], we have determined that the serious deficiency(ies) was/were not fully and permanently corrected.

Proposed Termination and Proposed Disqualification

As a result, we are:

- Proposing to terminate your agreement to participate in the CACFP for cause effective [date].
- Proposing to disqualify you from future CACFP participation effective [date].

[The effective date for the termination/disqualification must be after the deadline for requesting an appeal. In addition, the effective date for the

disqualification should be the same as the agreement termination date, and not earlier; otherwise, the provider could be disqualified and ineligible to participate before the agreement is terminated.]

You may appeal the proposed termination of your agreement for cause and your proposed disqualification. A copy of the appeal procedures is enclosed. If you decide to appeal the proposed actions, you must follow the appeal procedures exactly as they are written. Failure to follow these procedures could result in the denial of your request for an appeal.

If you appeal the proposed termination and the proposed disqualification, the proposed actions will not take effect until the hearing official issues a decision on the appeal. While the appeal is pending, you may continue to be reimbursed for any valid claims that are supported by required CACFP records. **If you do not make a written request for an appeal by [date] to [staff name, title, and address], your agreement will be terminated for cause and you will be disqualified from future CACFP participation effective [date].**

In addition, if you voluntarily terminate your agreement after receiving this notice, we will propose to disqualify you from future CACFP participation. If disqualified, you will be placed on the National Disqualified List (NDL). While on the list, you will not be able to serve as a principal in any institution or facility or as a day care home provider in the CACFP for seven years. However, if any debt relating to the serious deficiency(ies) has/have not been repaid, you will remain on the list until the debt has been repaid.

Please contact [staff name, title] at [phone number] if you have any questions or require any additional information.

Sincerely,

cc: Michigan Department of Education
Michigan Department of Human Services, Bureau of Child and Adult
Licensing
Provider file

Enclosure: Appeal Procedures