

## **Notice of Temporary Deferment of Serious Deficiency, Suspension, Proposed Termination, and Proposed Disqualification**

*[Note: Sponsoring organizations can use this prototype letter if the SD, suspension, proposed termination & DQ will be deferred after the provider wins an appeal.]*

*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] notice which suspended your participation in the Child and Adult Care Food Program (CACFP) and all CACFP payments. In that letter, [name of sponsoring organization] also proposed to terminate your CACFP agreement for cause and 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, [name of sponsoring organization's] suspension and proposed actions were overturned.

### **TEMPORARY DEFERRMENT OF THE SERIOUS DEFICIENCY, SUSPENSION, PROPOSED TERMINATION, AND PROPOSED DISQUALIFICATION**

As a result of the Administrative Review Official's decision, [name of sponsoring organization] has temporarily deferred the serious deficiency determination as of [date of the decision]. [Name of sponsoring organization] has also temporarily deferred the suspension, the proposed termination of your agreement for cause, and your proposed disqualification as of the same date.

*[Name of sponsoring organization] will pay any valid claims for reimbursement submitted by you during the period of the suspension. You must submit these claims by [insert a date that will give the provider an appropriate length of time to submit these claims].*

You must implement procedures and policies to permanently correct the serious deficiencies. If [name of sponsoring organization] initially determines that the corrective action is complete, but later determines the serious deficiency has recurred, [name of sponsoring organization] must immediately issue a notice of proposed termination for cause and proposed disqualification from future participation in the CACFP.

Sincerely,

*[sponsoring organization employee name and title]*

*Cc: Colorado Department of Public Health and Environment (CDPHE), Child and Adult Care Food Program*