

Therefore, the day care home provider may not simply request a hearing and appear for the hearing with no documentation to support the basis for their appeal. The day care home provider MUST submit documentation and information in support of the appeal to be considered by the Hearing Officer. The documentation must be attached to the original request for a hearing or the day care home provider must state in the request that the documentation will be submitted at a later date, but not to exceed the above 30-DAY deadline.

3. The sponsoring organization will acknowledge the receipt of the request for an appeal within ten (10) days of its receipt of the request.
4. Any information on which the sponsor's administrative action was based is available to the day care home provider for inspection from the date of receipt of the request for an appeal.
5. The Hearing Officer will review any documentation submitted and make a determination if any relief may be granted without a hearing.
6. A hearing will be held by the Hearing Officer in addition to, or in lieu of, a review of written information only if the day care home provider requests a hearing in the written request for an appeal.
7. If the day care home provider or their representative fails to appear at a scheduled hearing, they waive the right to a personal appearance before the Hearing Officer unless the Hearing Officer agrees to reschedule the hearing.
8. A representative of the sponsoring organization will be allowed to attend the hearing to respond to the testimony of the day care home provider and to answer questions posed by the Hearing Officer.
9. If a hearing is scheduled, the day care home provider will be provided with at least ten (10) days advance notice of the time and place of the hearing.
10. The day care home provider may retain legal counsel, or may be represented by another person at the hearing. If so, the day care home provider must notify the Hearing Officer prior to hearing so that the Hearing Officer will know who has permission to represent the day care home provider.
11. If the day care home provider fails to submit the written request for an appeal within the time frames or fails to submit the written documentation within the time frame, the day care home provider's appeal rights will expire.

REVIEW OFFICIAL DETERMINATION

1. The Hearing Officer shall be independent and impartial and not involved in the action that is the subject of the appeal, or have a direct personal or financial interest in the outcome of the appeal.
2. The sponsor and the day care home provider's are permitted to contact the Hearing Officer directly, if they so desire.
3. The Hearing Officer shall make a determination based on:
 - a) Federal and state laws, regulations, policies, and procedures governing the Program;
 - b) Information submitted by the sponsoring organization
 - c) Information submitted by the day care home provider in support of their position.
4. Within 60 days of the sponsor's receipt of the request for an appeal, the Hearing Officer must inform the sponsor's executive director, chairperson of the board, and the day care home provider of the decision.
5. The determination made by the Hearing Officer is the final administrative determination to be afforded the daycare home provider.
6. The Hearing Officer will notify the sponsor and the day care home provider of the outcome of the hearing in writing within the time frames identified above. Depending upon the outcome of the hearing and the instructions provided by the Hearing Official, the sponsor will proceed to resolve the action(s) cited against the day care home provider and/or close the file as necessary. ,
7. Day care home providers may continue to operate under the program during an appeal process and receive reimbursements unless the day care home provider has been suspended by due process as a result of imminent threat or dangers to the health or welfare of participants or due to the submission of a false or fraudulent claim for reimbursement.
8. Documentation must support findings and must be submitted to the State Department of Education.