

3.

On February 5, 2013, Respondent issued a Notice of Serious Deficiency based upon “severe Program findings that involve failure to maintain adequate records and failure to demonstrate financial and administrative capability pursuant to Program requirements.” Petitioner believes that it has provided all the necessary documentation to prove it should not be in Serious Deficiency status. (Ex. R-2.)

4.

On February 11, 2013, Respondent issued a notice of Site Restrictions for FY 2013 Summer Food Service Program (SFSP), # 08413. Respondent Policy Memorandum, *Restricting the Number of Sites Sponsors in the Summer Food Service Program are Approved to Operate*, provides “Bright from the State reserves the right to restrict/limit sites based on the previous years’ or prior performance in administering the program.” As a result of the Serious Deficiency designation, Respondent sought to restrict the number of sites that Petitioner could operate during the 2013 summer operating period. (Exs. R-3, R-5.)

5.

On February 19, 2013, Respondent confirmed that Christian Life requested a written review of the record regarding the notice of site restrictions. (Ex. R-4).

CONCLUSIONS OF LAW

1.

Pursuant to its agreement with Respondent, Christian Life is obligated to comply with the SFSP regulations under 7 CFR § 225 and any instructions or procedures issued in connection therewith.

2.

Respondent may take adverse action against a program sponsor that has been declared seriously deficient, had serious deficiency findings, significant sponsor and site level finding or operation deficiencies that indicate it may not be able to efficiently accommodate the number of sites that it requested and were approved for in the previous or prior years. In accordance with Department policy, adverse actions may include restricting the number of sites that a SFSP Sponsor can operate. Here, Respondent

identified serious deficiency and significant sponsor and site level findings with Petitioner's operation of its SFSP program sites during FY 2012. Based on these findings and Petitioner's lack of timely response, Respondent found Petitioner Seriously Deficient. Petitioner claims that it is not seriously deficient, but has provided no documentation that it supplied Respondent the required information in a timely manner. Accordingly,

DECISION

Because Respondent found Christian Life to be Seriously Deficient based upon findings that Petitioner failed to perform financial and administrative duties and administer the 2012 program in accordance with SFSP requirements, Respondent's decision to limit the number of Summer Food Service Program sites the Petitioner may operate during the 2013 summer operating period is **AFFIRMED**.

SO ORDERED THIS 14th of March, 2013.



AMANDA C. BAXTER
Administrative Law Judge