

(3) *Scheduling a meeting.* If the Administrator, FNS, grants a meeting FNS shall advise the State agency or ITO by certified mail, return receipt requested, of the time, date and location of the meeting at least ten days in advance of the meeting. FNS shall schedule and conduct the meeting and make a decision within 60 days of the receipt of the information submitted in response to paragraph (b)(2) of this section.

(4) *Review.* If no meeting is conducted, the official designated by the Administrator, FNS, shall review information presented by a State agency or ITO which requests a review, and shall make a final determination in writing within 45 days of the receipt of the State agency's or ITO's information submitted in response to paragraph (b)(2) of this section setting forth in full the reasons for the determination.

(5) *Final decision.* The official's decision after a meeting or a review shall be final.

(c) *Funding and other sanctions.* Any State agency or ITO that wishes to appeal a funding determination made by FNS other than under (a)(5) of this section, or the application of a Federal sanction, shall follow the Administrative Review Procedures set forth in part 276.

## PART 282—DEMONSTRATION, RESEARCH, AND EVALUATION PROJECTS

Sec.

282.1 Legislative authority and notice requirements.

282.2 Funding.

AUTHORITY: 7 U.S.C. 2011-2036.

SOURCE: Amdt. 134, 43 FR 54215, Nov. 21, 1978, unless otherwise noted.

### § 282.1 Legislative authority and notice requirements.

(a) *Legislative authority.* Section 17 of the Act authorizes the Secretary to conduct demonstration, research, and evaluation projects. In conducting such projects, the Secretary may waive all or part of the requirements of the Act and implementing regulations necessary to conduct such projects, except that no project, other than a project involving the payment of the average

value of allotments by household size in the form of cash to eligible households or a project conducted to test improved consistency or coordination between the food stamp employment and training program and the Job Opportunities and Basic Skills program under Title IV of the Social Security Act, may be undertaken which would lower or further restrict the established income and resource standards or benefit levels.

(b) *Notices.* At least 30 days prior to the initiation of a demonstration project, FNS shall publish a General Notice in the FEDERAL REGISTER if the demonstration project will likely have a significant impact on the public. The notice shall set forth the specific operational procedures and shall explain the basis and purpose of the demonstration project. If significant comments are received in response to this General Notice, the Department will take such action as may be appropriate prior to implementing the project. If the operational procedures contained in the General Notice described above are significantly changed because of comments, an amended General Notice will be published in the FEDERAL REGISTER at least 30 days prior to the initiation of the demonstration project, except where good cause exists supporting a shorter effective date. The explanation for the determination of good cause will be published with the amended General Notice. The amended General Notice will also explain the basis and purpose of the change.

[Amdt. 371, 61 FR 60012, Nov. 26, 1996]

### § 282.2 Funding.

Federal financial participation may be made available to demonstration, research, and evaluation projects awarded by FNS through grants and contracts. Funds may not be transferred from one project to another. FNS will pay all costs incurred during the project, up to the level established in the grant, or in the terms and conditions of the contract. FNS may grant time extensions of the project upon approval. Funding for additional costs is subject to existing Federal grant and contract procedures.

[Amdt. 371, 61 FR 60012, Nov. 26, 1996]

**PART 283—APPEALS OF QUALITY CONTROL (“QC”) CLAIMS**

**Subpart A—General**

Sec.

- 283.1 Meaning of words.
- 283.2 Scope and applicability.
- 283.3 Definitions.

**Subpart B—Appeals of QC Claims of \$50,000 or More**

- 283.4 Filing appeals for QC claims of \$50,000 or more.
- 283.5 Motion to dismiss.
- 283.6 Answer.
- 283.7 Procedures upon failure to file an answer.
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- 283.10 Consent decision.
- 283.11 Prehearing conference and procedure.
- 283.12 Discovery.
- 283.13 Subpoenas.
- 283.14 Fees of witnesses.
- 283.15 Procedure for hearing.
- 283.16 Consolidation of issues.
- 283.17 Post-hearing procedure.
- 283.18 Motions and requests.
- 283.19 ALJs.
- 283.20 Review by the Judicial Officer.
- 283.21 Ex parte communications.
- 283.22 Form; filing; service; proof of service; computation of time; and extensions of time.
- 283.23 Procedural matters.

**Subpart C—Summary Procedure for Appeals of QC Claims of Less Than \$50,000**

- 283.24 Incorporation of procedures by reference.
- 283.25 Filing appeals for QC claims of less than \$50,000.
- 283.26 Request that appeals be handled under procedures in subpart B for appeals of QC claims of \$50,000 or more.
- 283.27 Procedures upon failure to file an answer.
- 283.28 Discovery.
- 283.29 Scheduling conference.
- 283.30 Cross motions for summary judgment.
- 283.31 Review of the record.
- 283.32 ALJ’s initial decision.

AUTHORITY: 7 U.S.C. 2011–2036.

SOURCE: Amdt. 348, 59 FR 34561, July 6, 1994, unless otherwise noted.

**Subpart A—General**

**§ 283.1 Meaning of words.**

As used in this part, words in the singular form shall be deemed to import the plural, and vice versa, as the case may require.

**§ 283.2 Scope and applicability.**

The rules of practice in this part, shall be applicable to appeals by State agencies of Food and Nutrition Service quality control (QC) claims for Fiscal Year (“FY”) 1986 and subsequent fiscal years pursuant to sections 14(a) and 16(c) of the Food Stamp Act of 1977, as amended, 7 U.S.C. 2023(a) and 2025(c).

**§ 283.3 Definitions.**

As used in this part, the terms as defined in the Food Stamp Act of 1977, as amended, 7 U.S.C. 2011–2032 (“Act”), and in the regulations, standards, instructions or orders issued thereunder, shall apply with equal force and effect. In addition, and except as may be provided otherwise in this section:

*Administrator* means the Administrator, Food and Nutrition Service, U.S. Department of Agriculture (“USDA”).

*ALJ* means any Administrative Law Judge in USDA appointed pursuant to 5 U.S.C. 3105 or detailed to the USDA pursuant to 5 U.S.C. 3344 and assigned to the appeal.

*Appeal* means the appeal to the ALJ.

*Ex parte communication* means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include procedural matters.

*Filing*. A pleading or other document allowed or required to be filed in accordance with this part shall be considered filed when postmarked, if mailed, or when received, if hand delivered.

*FNS* means the Food and Nutrition Service, USDA.

*Hearing* means that part of the appeal which involves the submission of evidence before the ALJ for the record in the appeal.

*Hearing Clerk* means the Hearing Clerk, USDA, Washington, DC 20250.

*Judicial Officer* means an official of the USDA delegated authority by the Secretary of Agriculture, pursuant to