

7704 Adverse Determinations

Only the actions specified below shall be considered adverse determinations that are subject to a hearing upon request:

(a)

The Department's denial of an application for designation as a PSA from any of the following: (1) A unit of general purpose local government. (2) A region within the State recognized for area wide planning. (3) A metropolitan area. (4) An Indian reservation(s).

(1)

A unit of general purpose local government.

(2)

A region within the State recognized for area wide planning.

(3)

A metropolitan area.

(4)

An Indian reservation(s).

(b)

Any of the following actions taken by the Department against an AAA: (1) The disapproval of its Area plan or plan amendment. (2) The withholding, suspension, or termination of its funds, including cancellation of its contract. (3) The revocation of its designation as an AAA.

(1)

The disapproval of its Area plan or plan amendment.

(2)

The withholding, suspension, or termination of its funds, including cancellation of its contract.

(3)

The revocation of its designation as an AAA.

(c)

Any of the following actions taken by an AAA once the administrative remedies through the AAA have been exhausted: (1) A reduction in the level of funding to an existing service provider during a contract or subgrant period. However, a reduction directly attributable to a reduction in the of funding to AAAs by the State or federal government shall not be considered an adverse determination. (2) A cancellation or termination of an existing service provider's contract or subgrant prior to the contractor's or subgrant's expiration date. (3) The denial of an application to provide services from an applicant service provider when any of the following exist: (A) The presence of a conflict of interest, real or apparent, as specified in 45 CFR 92.36(b)(3). (B) The occurrence of a procedural error or omission, such as the failure of an AAA to include a federal mandate in its solicitation request. (C) The lack of substantial evidence to support an AAA's action.

(1)

A reduction in the level of funding to an existing service provider during a contract or subgrant period. However, a reduction directly attributable to a reduction in the of funding to AAAs by the State or federal government shall not be considered an adverse determination.

(2)

A cancellation or termination of an existing service provider's contract or subgrant prior to the contractor's or subgrant's expiration date.

(3)

The denial of an application to provide services from an applicant service provider when any of the following exist: (A) The presence of a conflict of interest, real or apparent, as specified in 45 CFR 92.36(b)(3). (B) The occurrence of a procedural error or omission, such as the failure of an AAA to include a federal mandate in its solicitation request. (C) The lack of substantial evidence to support an AAA's action.

(A)

The presence of a conflict of interest, real or apparent, as specified in 45 CFR 92.36(b)(3).

(B)

The occurrence of a procedural error or omission, such as the failure of an AAA to include a federal mandate in its solicitation request.

(C)

The lack of substantial evidence to support an AAA's action.