

Food and Nutrition Service, USDA

§ 283.3

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.
- 283.8 Rebuttal or amendment of appeal or answer.
- 283.9 Withdrawal of appeal.
- 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