

**New Jersey Department of Health
Division of Family Services
Farmers Market Nutrition Program
Policy and Procedure Manual**

Policy and Procedure #: FM-5
Effective Date: May 13, 2025

Functional Area: Farmer Management

Subject: Termination, Disqualification, Withdrawal and Appeals

A. POLICY:

1. The State Agency reserves the right to terminate or sanction a Farmer/Grower Vendor or Farmers Market if they violate the signed agreement between the State Agency and the Farmer/Grower Vendor or the State Agency and the Farmers Market.
2. The State Agency shall disqualify a Farmer/Grower Vendor when or if they do not meet the Farmer/Grower Vendor Selection Criteria.
3. The Farmer/Grower Vendor or Farmers Market has the right to withdraw from the Farmers Market Nutrition Program at any time.

B. PROCEDURE:

1. Termination:

The State Agency may terminate the authorization of a Farmer/Grower Vendor or Farmers Market when one of the following occurs:

- Failure to attend or submit annual training materials
- Three consecutive non-compliant monitoring visits
- Change of ownership
- Farmer/Grower Vendor or Farmers Market violates the signed Agreement

2. Disqualification:

The State Agency may disqualify a Farmer/Grower Vendor or Farmers Market, if they fail to meet the Farmer/Grower Vendor or Farmers Market Selection Criteria, including:

- Farmer Vendor cannot produce proof of acreage
- Grower cannot produce proof of soil and/or water testing
- Farmer/Grower does not self-grow the required amount fruits and vegetables
- Farmer/Grower Vendor or Farmers Market does not submit required documentation

3. Withdrawal:

A Farmer/Grower Vendor or Farmers Market must inform the State Agency of their intent to withdraw from the Farmers Market Nutrition Program.

The State Agency will confirm the withdrawal request in writing.

4. Appealing Adverse Actions

- Any Farmer/Grower Vendor, Farmers Market, participant, Local Agency or other entity that receives an Adverse Action or finding from the State Agency is entitled to appeal that decision.
- The State Agency shall provide the entity receiving an Adverse Action or finding, at a minimum, the following:

Written notification of the adverse action or finding; the cause(s) for the action; and the effective date of the action. Such notification shall be provided within a reasonable timeframe, established by the State Agency, and in advance of the effective date of the action.

All appeals will be handled by the State Appeal Board which will provide the following:

1. The opportunity to appeal the action within the time specified by the State Agency in its notification of adverse action.
2. Adequate advance notice of the time and place of the hearing to provide all parties involved sufficient time to prepare for the hearing.
3. The opportunity to present its case and at least one opportunity to reschedule the hearing date upon specific request. The State Agency

may set standards on how many hearing dates can be scheduled, provided that a minimum of two hearing dates is allowed.

4. The opportunity to confront and cross-examine adverse witnesses.
5. The opportunity to be represented by counsel, or in the case of a recipient appeal, by a representative designated by the recipient, if desired.
6. The opportunity to review the case record prior to the hearing.
7. An impartial decision maker, whose decision as to the validity of the State Agency's action shall rest solely on the evidence presented at the hearing and the statutory and regulatory provisions governing the FMNP and/or SFMNP. The basis for the decision shall be stated in writing, although it need not amount to a full opinion or contain formal findings of fact and conclusions of law.
8. Written notification of the decision in the appeal, within 60 days from the date of receipt of the request for a hearing by the State Agency.

5. Continuing Responsibilities

Appealing an adverse action does not remove a Farmer/Grower or Farmers Market's responsibility for continued compliance with the terms of the written agreement or contract with the State agency while the appeal is pending.

6. Judicial Review

If a State level decision is rendered against Farmer/Grower Vendor, Farmers Market, participant, Local Agency or other entity and the appellant expresses an interest in pursuing a further review of the decision, the State agency shall explain any further State level review of the decision and any available State level rehearing process. If neither is available or both have been exhausted, the State agency shall explain the right to pursue judicial review of the decision.

Attachments:

- Sample Termination Letter (Attachment 1)
- Sample Voluntary Withdrawal Form (Attachment 2)