

New Jersey Commodity Supplemental Food Program State Plan of Operation



Last Updated September 2026



TABLE OF CONTENTS

<u>Subject</u>	<u>Page</u>
1.0 Definitions	5
1.1 Definitions	5
2.0 Executive Summary	11
2.1 New Jersey Food Insecurity Summary	11
2.1 Federal Overview	11
2.2 State Overview	11
2.3 Food Banks Overview	10
2.4 Sub-Contracted Sites	10
3.0 Organizational Structure	10
3.1 Department of Health (DOH)	10
3.2 Nutrition and Developmental Services (NDS)	10
3.3 WIC Services	10
3.4 Commodity Supplemental Food Program (CSFP)	10
3.5 CSFP Administrating Staff	14
4.0 Goals and Objectives	15
4.1 Department of Health Mission Statement	15
4.2 The Division of Nutrition & Developmental Services' Mission Statement	15
4.3 New Jersey CSFP Mission Statement	15
4.4 New Jersey CSFP FFY 2019 Goals and Objectives	15
4.5 State Agency Performance Standards	16
4.6 State and Food Banks Responsibilities	16
4.7 State Agency Responsibilities	18
4.8 Food Banks Responsibilities	18
5.0 Agency Agreement and Identification	18
5.1 New Jersey State and United States Department of Agriculture Agreement	18
5.2 State and Food Bank Agreement	18
5.3 Food Bank and Distribution/Volunteer Site Agreement	19
5.4 Name and Address of Contracted Food Bank	20
5.5 Names and Address of Sub-Contracted Food Banks	20
5.6 Names and Address of Distribution Sites	22
5.7 Agency Termination	23
6.0 Eligibility, Certification and Record Keeping	31
6.1 Residential Eligibility	31
6.2 Categorical Eligibility	31
6.3 Income Eligibility	31
6.4 Nutrition Eligibility	32
6.5 Certification	32
6.6 Re-Certification	33
6.7 Waiting List	34
6.8 Verification of Certification (V.O.C.)	34
6.9 Dual Enrollment and Dual Participation	35

6.10	Program Abuse and Sanction and Termination	35
6.11	Food, Agriculture, Conservation, and Trade Act of 1990	36
6.12	Ineligibility	36
6.13	Discontinuance Due to Resources	36
6.14	Records and Recordkeeping	37
6.15	Confidentiality	37
7.0	Caseload Management	31
7.1	Program Expansion	31
7.2	Redistribution of Caseload	31
7.3	Outreach Plan	31
7.4	Homebound Elderly	31
8.0	Nutrition Education	41
8.1	Nutrition Education Goals and Objectives	41
8.2	Nutrition Education Resources	41
8.3	Nutrition Education Personnel Requirements	41
8.4	Delivery of Nutrition Education	41
8.5	Nutrition Education Evaluation	41
8.6	Nutrition Education for the Homebound	41
9.0	Distribution and Control of Donated Foods	43
9.1	Donated Foods (Commodity) Overview	43
9.2	Ordering Commodity Supplemental Food	44
9.3	Commodity Supplemental Food Package	44
9.4	Storing USDA Foods	47
9.5	Inventory	47
9.6	Receiving Commodity Supplemental Food	48
9.7	Safeguards against Theft, Spoilage, Infestation, Fire and Other Losses	49
9.8	Procedure for Handling Damaged Commodity Supplemental Foods	49
9.9	Insurance Coverage for Commodity Supplemental Foods	49
9.10	Commodity Supplemental Food Distribution Process to Participants	49
9.11	Disaster Assistance	49
9.12	Emergency Distribution of CSFP Foods	50
10.0	Management Evaluation and Review	51
10.1	Management Evaluation	51
10.2	Monitoring	51
10.3	Agency Monitoring	51
11.0	Financial Management	52
11.1	Description of the Financial Management System	52
11.2	Letter of Credit	52
11.3	Accounting Method	52
11.4	Distribution of Funds	52
11.5	Close-out of Fiscal Year	53
11.6	Claims	53
12.0	Complaints	56
12.1	Documenting Complaints	56

13.0	Audits	57
13.1	USDA Audit	57
14.0	Civil Rights	58
14.1	Civil Rights	58
14.2	Civil Rights Procedures	59
15.0	Fair Hearings	61
15.1	Description of Fair Hearing Procedures	61

Attachments

Attachment 5.1 A	– CSFP FNS-74
Attachment 5.2 A	– CSFP – Agreement between State and CFBNJ
Attachment 5.3 A	– Memorandum of Agreement for Food Bank
Attachment 6.5 A	–CSFP Self-Declaration Certification Form
Attachment 6.7 A	– One-Year Re-Certification Form
Attachment 6.7 B	– Monthly Signature Sheet
Attachment 6.8 A	– Waitlist Signature Sheet
Attachment 6.10 A	– Verification of Certification Form
Attachment 6.11 A	– Dual Enrollment or Dual Participation/Ineligibility/Termination Letter
Attachment 6.12 A	– Program Abuse and Sanction Letter
Attachment 6.15 A	– Notification of Discontinuance
Attachment 9.5 A	– CSFP Damaged Inventory Form
Attachment 9.5 B	– CSFP Inventory Form
Attachment 9.8 A	– FNS Instruction 709-5 (Shipment and Receipt of Foods)
Attachment 9.11 A	– USDA Foods Program Disaster Manual
Attachment 9.12 A	– Distribution of CSFP Foods during National and State Emergencies
Attachment 10.1 A	– CSFP Monitoring Tool
Attachment 11.6 A	– Claims for Losses
Attachment 12.1 A	– Complaint Report

1.0 DEFINITIONS

The following definitions shall apply to the Commodity Supplemental Food Program for contracts, agreements, guidelines, instructions, forms, and all related documents and communications.

Reference(s): Code of Federal Regulations §247.1
Code of Federal Regulations §250.2

1.1 Definitions

2 CFR part 200 means the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards published by OMB. The part reference covers applicable: Acronyms and Definitions (subpart A), General Provisions (subpart B), Post Federal Award Requirements (subpart D), Cost Principles (subpart E), and Audit Requirements (subpart F). (NOTE: Pre-Federal Award Requirements and Contents of Federal Awards (subpart C) does not apply to the National School Lunch Program).

7 CFR part 250 means the Department's regulations pertaining to the donation of foods for use in USDA food distribution programs.

7 CFR part 3016 means the Department's regulations pertaining to administrative requirements for grants and cooperative agreements with State, local, and Indian tribal governments.

7 CFR part 3019 means the Department's regulations pertaining to administrative requirements for grants and cooperative agreements with nonprofit organizations.

7 CFR part 3052 means the Department's regulations pertaining to audits of States, local governments, and nonprofit organizations.

A-90 means Office of Management and Budget Circular A-90 that provides guidance for the coordinated development and operation of information systems.

A-102 means Office of Management and Budget Circular A-102 that sets forth uniform administrative requirements for grants-in-aid to State and local governments and federally recognized Indian tribal governments.

A-110 means Office of Management and Budget Circular A-110 that sets forth uniform administrative requirements for grants to, and other agreements with, institutions of higher education, hospitals, and other quasi-public and private non-profit organizations.

Administering Agency means a State agency that has been approved by the Department to administer a food assistance program. If such agency is also responsible for the distribution of donated foods, it is referred to as the distributing agency in this part.

Administrative Cost means those direct and indirect costs that state and local agencies determine to be necessary to support Program operations.

Applicant means any person who applies to receive program benefits. Applicants include program participants applying for recertification.

Bonus Foods means Section 32, Section 416, and Section 709 donated foods, as defined in this section, which are purchased under surplus removal or price support authority and provided to distributing agencies in addition to legislatively authorized levels of assistance.

Caseload means the number of persons the State agency may serve on an average monthly basis over the course of the caseload cycle.

Caseload Cycle means the period from January 1 through the following December 31.

Categorical Ineligibility means persons who do not meet the definition of a senior person.

Certification means the use of procedures to determine an applicant's eligibility for the program.

Certification Period means the period that a participant may continue to receive program benefits without a review of his or her eligibility.

Contracting Agency means the distributing agency, sub-distributing agency, or recipient agency that enters into a processing contract.

CSFP means the Commodity Supplemental Food Program.

Department means the U.S. Department of Agriculture.

Disaster means a Presidentially declared disaster or emergency, in accordance with Section 412 or 413 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5179-5180), in which Federal assistance, including donated food assistance, may be provided to persons in need of such assistance as a result of the disaster or emergency.

Disaster Organization means an organization authorized by FNS or a distributing agency, when appropriate, to provide assistance to survivors of a disaster or a situation of distress.

Disqualification means the act of ending Program participation of a participant as a punitive sanction.

Distributing Agency means an agency that has entered into an agreement with a State Agency and with the Department for the warehousing and distribution of USDA foods.

DOH mean foods the New Jersey State Department of Health.

Donated Foods means foods purchased by USDA for donation in food assistance programs, or for donation to entities assisting eligible persons, in accordance with legislation authorizing such purchase and donation. Donated foods are also referred to as USDA Foods.

Dual Participation means simultaneous participation by an individual in the CSFP in more than one local agency or clinic.

Senior Persons mean persons at least 60 years of age.

Eligible Persons means persons in need of food assistance as a result of their:

- (1) Economic status;
- (2) Eligibility for a specific food assistance program; or
- (3) Eligibility as survivors of a disaster or a situation of distress.

FFY means federal fiscal year.

Fiscal Year means the Federal fiscal year covering the period of 12 calendar months beginning October 1 of any calendar year and ending September 30 of the following year.

FMC 74-4 means Federal Management Circular 74-4, which sets forth principles for determining costs applicable to grants and contracts with State and local government.

FNS means the Food and Nutrition Service.

FNSRO means the appropriate Food and Nutrition Service Regional Office of the Food and Nutrition Service of the Department of Agriculture.

Food Recall means an action to remove food products from commerce when there is reason to believe the products may be unsafe, adulterated, or mislabeled. The action is taken to protect the public from products that may cause health problems or possible death.

Grantee means an organization, government, nonprofit corporation, or other legal entity to which a grant is awarded and which is accountable to the Department for the use of funds provided. The grantee is the entire legal entity even if only a particular component of the entity is designated in the grant agreement.

Homebound Senior Person means persons who are, in the judgment of the local agency, unable to obtain monthly food packages without assistance provided by or through the local agency.

Household means a group of related or non-related individuals, exclusive of boarders, who are not residents of an institution, but who are living as one economic unit and for whom food is customarily purchased and prepared in common. It also means a single individual living alone.

Household Program means CSFP.

In-Kind Replacement means the replacement of a loss of donated food with the same type of food of U.S. origin, of equal or better quality as the donated food, and at least equal in value to the lost donated food.

Local or Volunteer Agency means a public or private nonprofit agency that enters into an agreement with the State agency to administer the Program at the local level. A local or volunteer agency determines the eligibility of applicants, distributes supplemental foods, and provides nutrition education to low-income persons, either directly or through another agency with which it has entered into a written agreement.

Multi-Food Shipment means a shipment from a Federal storage facility that usually includes more than one type of donated food.

Nonprofit Agency means a private agency or organization with tax-exempt status under the Internal Revenue Code, or that has applied for tax-exempt status with the Internal Revenue Service.

Out-of-Condition Donated Foods means donated foods that are no longer fit for human consumption as a result of spoilage, contamination, infestation, adulteration, or damage.

Participants means senior persons who are receiving supplemental foods under the Program.

Participation means the number of persons who have received supplemental foods through the Program in the reporting period.

Program means the Commodity Supplemental Food Program (CSFP) of the Food and Nutrition Service of the United States Department of Agriculture.

Proxy means any person designated by a participant, or by the participant's adult parent or caretaker, to obtain supplemental foods on behalf of the participant.

Recipient Agencies means agencies or organizations that receive donated foods for distribution to eligible persons or for use in meals provided to eligible persons, in accordance with agreements with a distributing or sub-distributing agency, or with another recipient agency. Local agencies in CSFP, and Indian Tribal Organizations distributing donated foods to eligible persons through FDPIR in a State in which the State government administers FDPIR, are considered recipient agencies in this part.

Recipients mean the needy persons receiving USDA foods for household consumption.

Replacement Value means the price assigned by the Department to a donated food which must reflect the current price in the market to ensure compensation for donated foods lost in processing or other activities. The replacement value may be changed by the Department at any time.

SAGE means the State of New Jersey System for Administering Grants Electronically

Secretary means the Secretary of the United States Department of Agriculture.

Self-Declaration means a statement made by a person declaring that all the statements of facts, figures and circumstances mentioned in a document is true and correct.

SFPD means the Supplemental Food Programs Division of the Food and Nutrition Service of the United States Department of Agriculture.

Similar Replacement means the replacement of a loss of donated food with another type of food from the same food category (*e.g.*, dairy, grain, meat/meat alternate, vegetable, fruit, etc.) that is of U.S. origin, of equal or better quality than that type of donated food, and at least equal in value to the lost donated food.

Split Shipment means a shipment of donated foods from a vendor that is split between two or more distributing or recipient agencies, and that usually includes more than one stop-off or delivery location.

State means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

State Agency means the agency designated by the State to administer CSFP at the State level; an Indian tribe or tribal organization recognized by the Department of the Interior that administers the program for a specified tribe or tribes; or, the appropriate area office of the Indian Health Service of the Department of Health and Human State Plan means the document that describes the manner in which the State agency intends to administer the program in the State.

State Agency Plan of Program Operation and Administration (State Plan) means the document which describes the manner in which the State agency intends to implement and operate all aspects of the Program administration within its jurisdiction.

Storage Facility means an operation that provides warehousing services or provides both warehousing and delivery services.

Sub-Distributing Agency means an agency or organization that has entered into an agreement with the State agency to perform functions normally performed by the State, such as entering into agreements with eligible recipient agencies under which USDA Foods are made available, ordering foods and/or making arrangements for the storage and delivery of such foods on behalf of eligible recipient agencies.

Subgrantee means the government, nonprofit corporation, or other legal entity to which a subgrant is awarded and which is accountable to the grantee for the use of the funds provided. The subgrantee is the entire legal entity even if only a particular component of the entity is designated in the subgrant agreement.

Substitution means the replacement of donated foods with like quantities of domestically produced commercial foods of the same generic identity and of equal or better quality.

Supplemental Foods means foods donated by the Department for use by eligible persons in low-income groups who are vulnerable to malnutrition.

USDA Foods means donated foods.

USDA implementing regulations include the following: 2 CFR part 400, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; 2 CFR part 415, General Program Administrative Regulations; 2 CFR part 416, General Program Administrative Regulations for Grants and Cooperative Agreements to State and Local Governments; and 2 CFR part 418, New Restrictions on Lobbying.

Vendor means a commercial food company from which the Department purchases foods for donation.

2.0 EXECUTIVE SUMMARY

This section describes the overview of the Commodity Supplemental Food Program (CSFP) in the state of New Jersey.

Reference(s): Code of Federal Regulations §247.2
Code of Federal Regulations §250.1

2.1 Federal Overview

The United States Department of Agriculture (USDA) established the CSFP nationally in 1969 as a component of the Agriculture Appropriations Act. CSFP is administered at the Federal level by the Department's Food and Nutrition Service (FNS) and allocates administrative funds to State agencies to prevent the onset and alleviate the effects of malnutrition for individuals likely to have poor diets due to low income.

Through CSFP, the Department provides nutritious foods to help State and local agencies meet the nutritional needs of low-income elderly persons. Through local agencies, each participant receives a monthly package of USDA Foods, based on food package guide rates developed by FNS, with input from State and local agencies. Food packages include such nutritious foods as cereal, juices, canned fruits and vegetables, canned meat or poultry and other protein items, and grain products such as pasta, as well as other foods. Participants also receive nutrition education.

State agencies may serve eligible persons up to the caseload limit assigned to them by FNS. Caseload is the number of persons that may be served on an average monthly basis over the course of the caseload cycle, which extends from January 1 through the following December 31.

The CSFP is needed to help fill the gap between needs and services available, especially at the time when New Jersey is experiencing drastic cuts in services and reductions in benefits. CSFP operates in 49 States Agencies, including the District of Columbia, and served an average of 630,000 participants in 2017.

2.2 State Overview

CSFP is administered at the Federal level by the Department's Food and Nutrition Service (FNS), which provides USDA Foods, assigns caseload, and allocates administrative funds to State agencies. The New Jersey Department of Health (NJDOH) entered into a permanent Agreement with USDA to administer the CSFP at the State level in Fiscal Year 2010. **Changes are only made to the Agreement if there are changes to the federal and/or state regulations, policies, procedures, guidelines, or other written and verbal instructions. Changes will also be made if there is a change to the signing parties.** The Agreement is open-ended with the Community CFBNJ of New Jersey (CFBNJ) to provide CSFP services to eligible elderly persons.

NJDOH is responsible for overseeing the CSFP grant and has designated the CFBNJ for certification, food delivery, outreach, nutrition education, and other Program areas on behalf of the State Agency. The NJDOH is also responsible for program integrity, referrals, monitoring and evaluation, civil rights and fair hearings. The NJDOH completes federal reports, conduct program monitoring, administer grant funding, provide training and act as liaison between federal agencies, the State and CFBNJ operation of commodity programs in New Jersey. NJDOH also provides guidance to local agencies on all aspects of Program operations and must administer the Program in accordance with the provisions of CFR Part 247, CFR Part 250, and other applicable regulations, policies, procedures, guidelines, or other written instructions.

2.3 Grantee Overview

The Community Food Bank of New Jersey (CFBNJ) fights hunger and poverty by distributing food and groceries, providing education and training, and developing new programs to help people with low incomes meet their basic needs. As a non-profit organization, it acts as the central food distribution center for other non-profits in NJ that serve individuals, soup kitchens, food pantries and shelters.

The CFBNJ serves as the primary warehouse and distribution site for the USDA donated foods. It has 280,000 square feet, state-of the art warehousing and distribution facility located in Hillside, NJ. It has a computerized inventory control system that provides tracking of all CSFP food items from the time of receipt to distribution and generates monthly inventory reports. The CFBNJ utilizes a first-in-first-out system for distributing supplemental foods to the distribution sites. The CFBNJ has a written agreement with the NJDOH and agrees to operate CSFP in compliance with all federal and state regulations, policies, procedures, guidelines, or other written and verbal instructions. The CFBNJ is responsible for ordering, receipt, storage, and transporting CSFP products. The CFBNJ shall utilizes staff and volunteers to prepare food boxes/packages that are/will be delivered to distribution sites monthly. The CFBNJ gathers participant information, provides monthly inventory and participation reports, monitors local site distributions and caseload, provides direct nutrition education, and acts as liaison between the NJDOH, and local sites and participants. The CFBNJ shall administer the CSFP in accordance with the provisions of CFR Part 247, CFR Part 250, and other applicable regulations, policies, procedures, guidelines, and written and verbal instructions. NJDOH reserves the right to make changes to the roles and responsibilities of the CFBNJ and shall assign other written and verbal duties as necessary.

2.4 Sub-Contracted Food Banks Overview

The Sub-Grantee must enter into a written agreement with the Grantee to perform the same functions. While the Grantee is the primary warehouse and distribution site, the sub-contracted food banks serve as regional warehouses and distribution sites for the USDA donated foods. The sub-contracted food banks must have computerized inventory control systems that provide tracking of all CSFP food items from the time of receipt to distribution and generates monthly inventory reports. The sub-contracted food banks shall utilize a first-in-first-out system for

distributing supplemental foods to distribution sites. The sub-contracted food banks shall have written agreements with the CFBNJ and agrees to operate CSFP in compliance with all federal and state rules, regulations, policies and procedures. The sub-contracted food banks shall be responsible for ordering, receipting, storing, and transporting CSFP products. The sub-contracted food banks utilize staff and volunteers to prepare food boxes/packages that are delivered to distribution sites monthly. The sub-contracted food banks gather participant information, provides monthly inventory and participation reports, monitors local site distributions and caseload, provides direct nutrition education, and acts as liaison between the NJDOH, and local sites and participants. The sub-contracted food banks must administer the program in accordance with the provisions of CFR Part 247, CFR Part 250, and other applicable regulations, policies, procedures, guidelines, or other written instructions. NJDOH and CFBNJ reserve the right to make changes to the roles and responsibilities of the CFBNJ and shall assign other written and verbal duties as necessary.

2.5 Distribution Sites Overview

The distribution sites assist the CFBNJ with the administration of the CSFP. They serve as the gateway to primary preventive health care for many of the State's vulnerable seniors eligible for the Program. Participants are asked to bring documents to show as proof that they are eligible to participate in the NJ CSFP. Ineligible participants are notified in writing and receive information about their rights to a fair hearing. The distribution sites must enter into a written agreement with the CFBNJ. All distribution sites must agree to operate the CSFP in compliance with all federal and state regulations, policies, procedures, guidelines, or other written instructions. The distribution sites are located throughout the State of New Jersey. The distribution sites must administer the CSFP in accordance with the provisions of CFR Part 247, CFR Part 250, and any other federal and state policies, guidelines, and instructions.

3.0 ORGANIZATIONAL STRUCTURE

Reference(s): Code of Federal Regulations §247.1
Code of Federal Regulations §250.2

This section describes the organizational structure under which the Commodity Supplemental Food Program (CSFP) operates in the State of New Jersey.

CSFP is located within NJDOH, Division of Nutrition and Developmental Services (NDS), WIC Services.

3.1 Department of Health (DOH)

The New Jersey Department of Health (NJDOH) is under the supervision of **Commissioner Dr. Raynard E. Washington.**

3.2 Nutrition and Developmental Services

The Division of Nutrition and Development is located within the Department of Health and is under the direction of the **Deputy Commissioner, Raquel Mazon Jeffers**

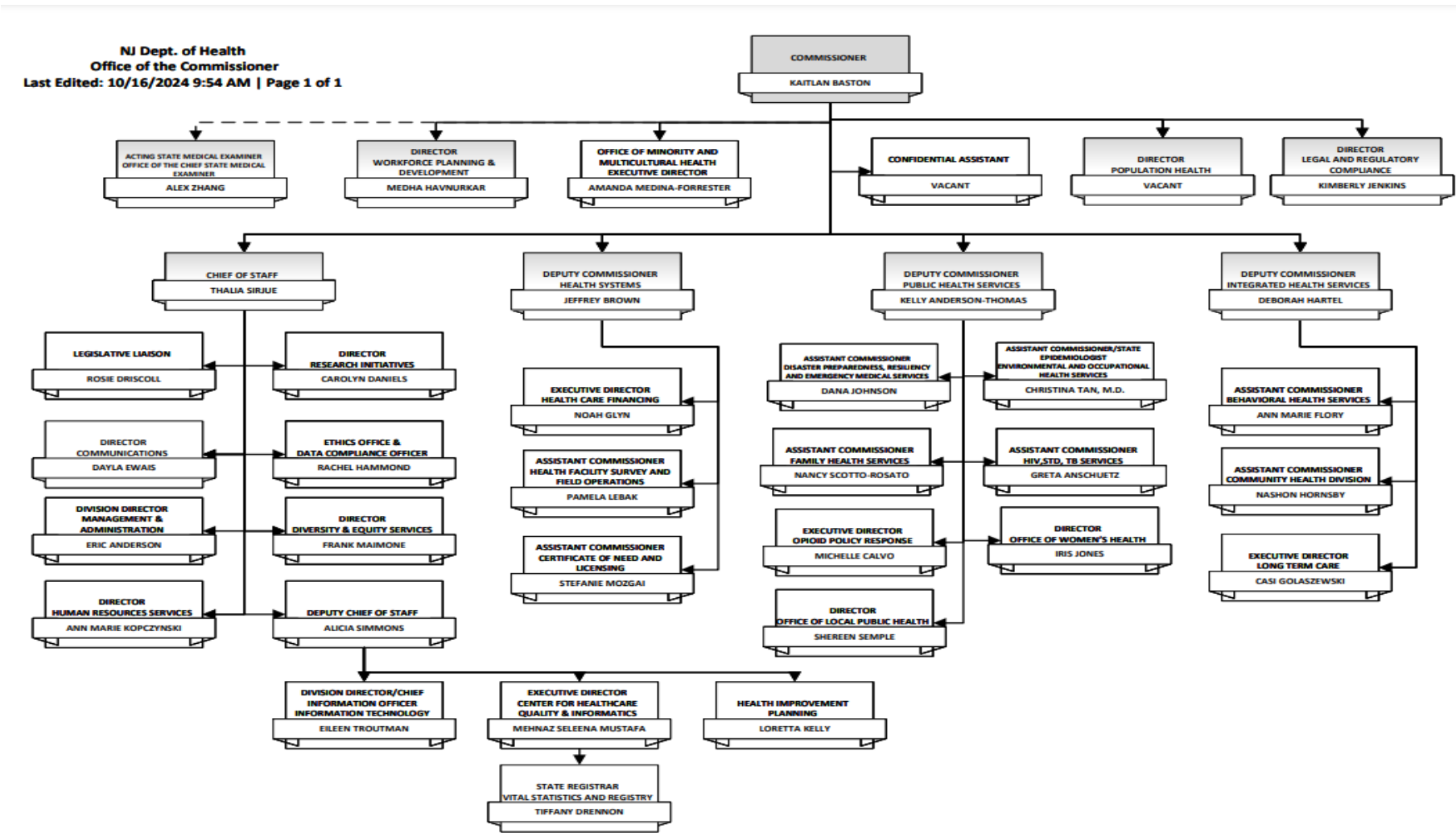
3.3 WIC Services

The New Jersey WIC Services is under the direction of **Executive Director, Prateek Srivastava.**

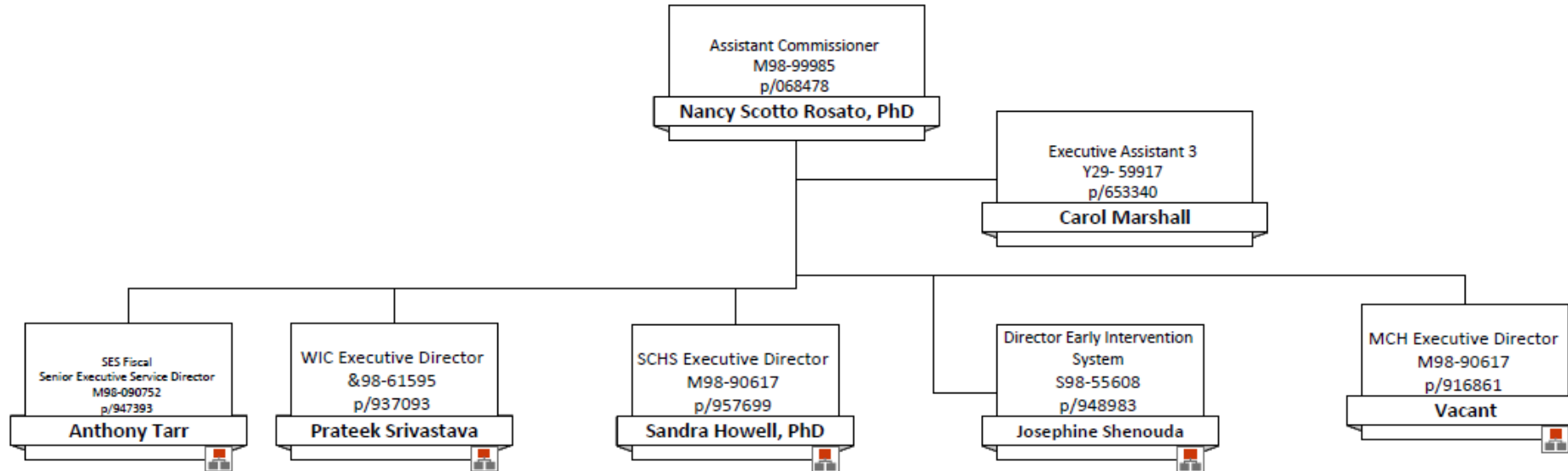
3.4 Commodity Supplemental Food Program (CSFP)

The New Jersey CSFP Program Manager is **Najia Carter.**

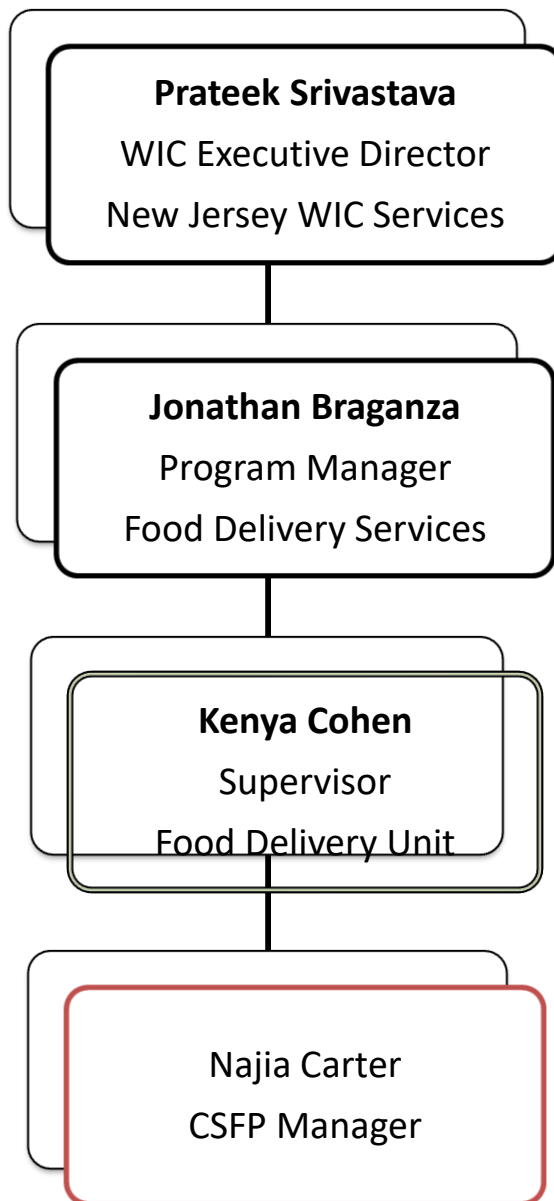
3.5 Organizational Charts



NJ Dept. of Health
DFHS: OAC
Last Edited: 1/27/2025 1:50 PM | Page 1 of 1



**New Jersey WIC Services
Commodity Supplemental Food Program
Effective 12/01/2022**



3.6 CSFP Administering Staff Functions

The following are the descriptions of the role that each CSFP staff will play in the Program operation.

WIC Director – responsible for the fiscal operation of the Commodity Supplemental Food Program.

Food Delivery Program Manager – assists the WIC Director with the fiscal operation of the Commodity Supplemental Food Program.

Food Delivery Unit Supervisor – assists the Food Delivery Program Manager and the CSFP Program Manager with the fiscal operation of the Commodity Supplemental Food Program.

CSFP Program Manager – reports to the Food Delivery Unit Supervisor. The Manager functions as liaison between the Community CFBNJ of New Jersey, the CSFP, the Department of Health and the United States Department of Agriculture. The Manager is responsible for the planning, implementation and coordination of Program Operations, internal controls, efficiency and effectiveness of Program operation, the state plan, reports, and budget. The Manager is responsible for the accountability, inventory and reconciliation of 100% of all distributed USDA foods. The Manager also is responsible for the review of all aspects of State, warehouse, distribution, and volunteer agencies. The Manager oversees and is responsible for nutrition education information, monitoring and technical assistance of warehousing, distribution, local and volunteer agencies, certification, CSFP food package, and coordination of services with health and social service agencies.

3.7 Names, Positions, and Percentages of Time Spent and Time Paid by CSFP

NAME	POSITION	% TIME CSFP	% PAID CSFP
Najia Carter	Program Support Specialist 3	50-60%	< 2%
Sandy Carrasquillo	Public Health Representative II, Bilingual	25-30%	0%
Kenya Cohen	Coordinator Primary & Preventive Health Services	10%	0%
Prateek Srivastava	Executive WIC Director	1%	0%

4.0 MISSION STATEMENTS, GOALS AND OBJECTIVES AND RESPONSIBILITIES

Reference(s): Code of Federal Regulations §247.2
Code of Federal Regulations §247.3
Code of Federal Regulations §250.1

This section outlines the specific goals and objectives, and responsibilities that will direct the administration of the Commodity Supplemental Food Program in the State of New Jersey.

4.1 Department of Health Mission Statement

The mission of the Department of Health is to improve health through leadership and innovation.

4.2 The Division of Nutrition and Developmental Services Mission Statement

To improve the health, safety, and well-being of families and communities in New Jersey.

4.3 New Jersey CSFP Mission Statement

To safeguard the health of low-income seniors who are 60 years of age and older by providing USDA donated foods, nutrition education, and referrals to health and social service organizations.

4.4 New Jersey CSFP Goals and Objectives

Goal 1 To meet all Federal requirements within the designated timeframes and complete and submit all reports and administrative documents by the deadlines.

- | | |
|-------------|--|
| Objective 1 | Comply with all federal regulations, rules, guidelines, instructions, etc. in administering the CSFP. |
| Objective 2 | Complete and submit all reports, surveys and other documents by the required deadlines. |
| Objective 3 | Ensure all expenditures are properly documented, reported and used as outlined in the regulations, state plan and policy and procedure manual. |

Goal 2 To administer the Commodity Supplemental Food Program (CSFP) in the state of New Jersey and serve a caseload of 4,865 seniors monthly.

Objective 1 Certify and distribute monthly USDA Foods to seniors.

Objective 2 Meet and serve the approved caseload monthly.

Goal 3 To ensure the integrity of program operations.

Objective 1 Provide the food banks and distribution sites with training and technical assistance to perform all related CSFP functions.

Objective 2 Ensure all applications, relevant paperwork, expenditures are properly documented, reported and used as outlined in the regulations, state plan and policy and other documents.

Objective 3 Monitor all CSFP functions at the food banks and distributions sites.

Objective 4 Safeguard the USDA Foods.

Goal 4 To provide USDA donated foods to eligible seniors and provide nutrition education information and access to health and other social services.

Objective 1 Disseminate nutrition education materials to seniors monthly.

Objective 2 Refer seniors to health and social service organizations.

Objective 3 Ensure that CSFP foods are only given to CSFP participants.

4.5 State Performance Standards

The State Agency shall measure its own performance standards in accordance with CFR Part 247, CFR Part 250, and any other federal and state policies, guidelines, and instructions. Measurements shall be by caseload achievements, feedback from participants, volunteers, state, local and federal officials, and other Programs or individuals. Documents such as reports, monitoring and audit findings by State and Federal agencies shall also be used to measure performance. All necessary corrective actions shall be used to improve any deficiency in performance.

4.6 State and Grantee/Sub-Grantee Responsibilities

The State and Grantee/Sub-Grantee shall be responsible for administering the program in accordance with the provisions of CFR Part 247, CFR Part 250, and any other federal and state policies, guidelines, and instructions. **The State agency is ultimately responsible for all aspects of program administration.** The major responsibilities shared by State and Grantee/Sub-Grantee include, but not limited to:

1. Entering into required agreements,
2. Ordering food for distribution,
3. Establishing procedures for resolving complaints,
4. Complying with civil rights requirements,
5. Maintaining accurate and complete records,
6. Conducting program outreach, and
7. Other CSFP duties as required, requested, or assigned

4.7 State Responsibilities

The State agency shall be responsible for:

1. Completing and submitting the CSFP State Plan of Operation,
2. Selecting local agencies to administer the program in local areas of the State,
3. Determining caseload needs, and submitting caseload requests to FNS,
4. Assigning caseload, and allocating administrative funds, to local agencies,
5. Establishing eligibility requirements,
6. Establishing nutrition risk criteria and a residency requirement for participants,
7. Establishing a financial management system that effectively accounts for funds received for program administration,
8. Developing a plan for the detection and prevention of dual participation, in coordination with CSFP local agencies and with the State WIC agency,
9. Developing a plan for providing nutrition education to participants,
10. Establishing appeals and fair hearing procedures for local agencies and program participants,
11. Developing a management review system and conducting reviews of local agencies,
12. Determining and pursuing claims, and establishing standards for pursuit of claims against participants,
13. Ensuring compliance with Federal audit requirements,
14. Providing guidance to local agencies, as needed,
15. Ensuring that program participation does not exceed the State agency's caseload allocation on an average monthly basis, and
16. Other CSFP duties as required, requested, or assigned

4.8 Grantee/Sub-Grantee Responsibilities

The food banks shall be responsible for:

1. Determining eligibility of applicants in accordance with eligibility criteria established by the State agency,
2. Complying with fiscal and operational requirements established by the State agency,
3. Ensuring that participation does not exceed the caseload assigned by the State agency,
4. Issuing foods to participants in accordance with the established food package guide rates,
5. Storing and distributing USDA Foods,
6. Providing nutrition education materials and information on the availability of other nutrition and health assistance programs to participants,
7. Informing applicants of their rights and responsibilities in the program,
8. Meeting the special needs of the homebound elderly, to the extent possible,
9. Pursuing claims against participants; and
10. Other CSFP duties as required, requested, or assigned.

5.0 GRANTEE AGREEMENT AND IDENTIFICATION

Reference(s): Code of Federal Regulations §247.4
Code of Federal Regulations §250.2

This section describes how agencies are selected to participate in the Commodity Supplemental Food Program in the State of New Jersey.

5.1 New Jersey State and United States Department of Agriculture Agreement (FNS-74)

The New Jersey DOH and the USDA FNS shall enter into a written cooperative agreement and the terms and conditions of the agreement shall conform to CFR Part 247, CFR Part 250, and any other federal and state policies, guidelines, and instructions.

The agreement is **permanent**, with amendments as needed initiated by the USDA or the NJDOH CSFP and approved by both entities. The Agreement is FNS-74, the Federal State Agreement and CSFP State Plan of Operation. **See Attachment 5.1-A.**

NJDOH shall submit amendments to FNS to reflect any changes in program operations or administration, and to request additional caseload for the following caseload cycle. FNS may also require that the State Plan (Agreement) be amended to reflect changes in CFR Part 247, CFR Part 250, and any other federal and state policies, guidelines, and instructions. The NJDOH shall submit amendments to the State Plan at any time during the fiscal year, for FNS approval. The amendments will take effect immediately upon approval, unless otherwise specified by FNS. NJDOH shall submit an amendment to the Plan that conveys the request for additional caseload by November 5. This would cover the caseload cycle beginning the following January 1. In the amended Agreement, NJDOH shall also submit any plans for serving the elderly.

5.2 Grantee Application to Administer CSFP Benefits

A grantee shall provide a letter of interest at least 120 days prior to the commencement of the federal fiscal year. The State will arrange a site visit and conduct an evaluation of the proposed site.

The Grantee, in order to permit the NJDOH to award this Grant, agrees to comply with all Federal, State, and municipal laws, rules, and regulations generally applicable to the activities in which the Grantee is engaged in the performance of this Grant. These laws and regulations include, but are not limited to the following:

- Federal Office of Management and Budget (OMB) document: 2 CFR 200, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards”: <https://www.ecfr.gov/cgi-bin/text-idx?SID=ea06d61c09381901a569b4536454a19e&nod e=pt2.1.200&rgn=div5>.

- State of New Jersey Department of the Treasury, Office of Management and Budget documents: (i) Circular Letter 15-08-OMB, “Single Audit Policy for Recipients of Federal Grants, State Grants, and State Aid”: http://www.state.nj.us/infobank/circular/cir1508_omb.pdf. (ii) State Grant Compliance Supplement: <https://www.state.nj.us/treasury/omb/stategrant.shtml>.
- State Affirmative Action Legal Citations: The Grantee agrees to require its contractors to comply with the requirements of N.J.A.C. 17:27, applicable provisions of N.J.S.A. 10:5, et al, and P.L. 1975, c.127 and all implementing regulations. Failure to comply with such laws, rules, or regulations shall be grounds for termination of this Grant.

The Grantee:

- Must be a non-profit organization
- Must have the capacity to administer the CSFP caseload and inventory
- Must be a registered vendor in NJSTART
- Go through and complete the State of New Jersey System for Administering Grants Electronically (SAGE) application
- Agree to the terms and conditions of Attachment C in SAGE
- Complete a New Jersey CSFP Grantee Application Form (**Attachment 5.2-A**)
- Complete the CSFP Pre-Award Questionnaire (**Attachment 5.2-B**)
- Provide a list of names and addresses of all distribution sites, contacts, and days of distribution (**Attachment 5.6-A**)
- Obtain training by federal and State representatives on federal and State regulations, policies, procedures, reports, compliance, etc.
- Be able to sub-grant or provide CSFP benefits in areas that would expand participant access and increase caseload.

The grantee shall receive written notification from the State if approved for or denied of participating in the CSFP.

If denied, The Department’s grant appeals process will be administered in accordance with the New Jersey Administrative Procedure Act (APA), N.J.S.A. 52:14B-1 et seq. Appeals will be heard and decided by a Grant Appeals Board (Board).

5.3 State and Food Banks Agreement

The New Jersey CSFP State Agency shall enter into a written agreement with the CFBNJ. The terms and conditions of the Agreement is outlined in Attachment C in SAGE. This agreement shall be valid indefinitely or until changes in signatories or termination by either party. See **Attachment 5.2-A**.

The agreements shall, at a minimum, contain the following:

1. An assurance that the CFBNJ will administer the CSFP in accordance with the provisions in CFR Part 247, CFR Part 250, and any other federal and state policies, guidelines, and instructions,

2. An assurance that the CFBNJ will maintain accurate and complete records for a period of three years from the close of the fiscal year to which they pertain, or longer if the records are related to unresolved claims actions, audits, or investigations,
3. A statement that the CFBNJ receiving USDA Foods for distribution is responsible for any loss resulting from improper distribution, or improper storage, care, or handling of foods,
4. A statement that the CFBNJ receiving program funds is responsible for any misuse of program funds,
5. A description of the specific functions that the State, sub-distributing, or local agency is delegating to another agency,
6. An assurance that the CFBNJ will provide, or cause to be provided, nutrition education to participants,
7. An assurance that the CFBNJ will provide information to participants on other health, nutrition, and public assistance programs, and make referrals as appropriate,
8. An assurance that the CFBNJ will distribute USDA Foods in accordance with the approved food package guide rate,
9. An assurance that the CFBNJ will take steps to prevent and detect dual participation,
10. The names and addresses of all certifications, distribution, and storage sites under the jurisdiction of the local agency;
11. An assurance that the CFBNJ will not subject any person to discrimination under the program on the grounds of race, color, national origin, age, sex, or disability; and
12. A statement specifying:
 - a. That either party may terminate the agreement by written notice to the other; and
 - b. The minimum number of days of advance notice must be at least 90 days.

NJDOH and the CFBNJ must keep copies of all agreements on file.

5.4 Food Bank and Distribution/Volunteer Site Agreement

The CFBNJ shall enter into a written agreement with distribution and volunteer sites. This Agreement shall be valid yearly in the month of January or until termination by either party. See a copy of the **Attachment 5.3-A Memorandum of Agreement** between the CFBNJ and the local agencies.

The agreements shall at a minimum contain the following information:

1. An assurance that the distribution and volunteer sites will administer the CSFP in accordance with the provisions in CFR Part 247, CFR Part 250, and any other federal and state policies, guidelines, and instructions.
2. An assurance that the distribution and volunteer sites will maintain accurate and complete records for a period of three years from the close of the fiscal year to which they pertain, or longer if the records are related to unresolved claims actions, audits, or investigations.
3. A statement that the distribution and volunteer sites receiving USDA Foods for distribution are responsible for any loss resulting from improper distribution, or improper storage, care, or handling of foods.

4. An assurance that the distribution and volunteer sites will provide, or cause to be provided, nutrition education to participants.
5. An assurance that the distribution and volunteer sites will provide information to participants on other health, nutrition, and public assistance programs, and make referrals as appropriate.
6. An assurance that the distribution and volunteer sites will distribute USDA Foods in accordance with the approved food package guide rate.
7. An assurance that the distribution and volunteer sites will take steps to prevent and detect dual participation.
8. An assurance that the distribution and volunteer sites will not subject any person to discrimination under the program on the grounds of race, color, national origin, age, sex, or disability.
9. A statement specifying:
 - a. That either party may terminate the agreement by written notice to the other; and
 - b. The minimum number of days of advance notice that must be least 30 days.

The CFBNJ and Local Agency must keep copies of all agreements on file.

5.5 Name and Address of Contracted Warehouse (CFBNJ)

Community CFBNJ of New Jersey (Main Site – Hillside)

31 Evans Terminal

Hillside, NJ 07205

Telephone: 908-355-FOOD

Fax: 908-355-0270

President & CEO: Elizabeth McCarthy

CSFP Contact: Tony Jones, Brianna Montalto

5.6 Names and Address of Sub-Contracted Warehouses (Food Banks)

Fulfill

3300 Route 66

Neptune, NJ 07753

Phone: 732.918.2600

Fax: 732.918.2660

President and CEO: Triada Stampas

CSFP Contact: Lynnette Hargrove

Mercer Street Friends

3 Graphic Drive

Ewing Township, NJ 08628

Phone: 609-406-0503/609-278-5543

Fax: 609-406-7328

Executive Director: Bernie Flynn

CSFP Contact: Pamela Sims Jones

Community CFBNJ of New Jersey (Southern Branch)

6735 Black Horse Pike

Egg Harbor Township, NJ 08234

Telephone: 609-383-8843

President & CEO: Elizabeth McCarthy

CSFP Contact: Tony Jones, Brianna Montalto

NORWESCAP

350 Marshall Street

Phillipsburg, NJ 08865

Phone: 908-454-7000

CSFP Contact: Janet Bray

5.7 Names and Address of Distribution Sites

The names, address and contact information for the CSFP distribution sites and their representatives are located in **Attachment 5.6-A**.

5.8 Grantee/Sub-Grantee Closing/Termination

A Grantee/Sub-Grantee shall request removal/termination from the CSFP with an advance written notice of 90-days. An additional 30-90 days will be needed to completely close/terminate the Grantee/Sub-Grantee.

The following procedures shall take within the 90 days prior to closing.

Grantee Closing Notification to State:

- The State must be notified in writing of the advance 90-day written notice decision by the Grantee.
 - Notification shall be received on the agency's letterhead.
- The Grantee must complete the following:
 - Submit a 90-day written notification to the State on the agency's letterhead
 - Notify the Sub-Grantees in writing
 - Notify the distribution sites in writing

- Notify participants using the New Jersey Commodity Supplemental Food Program Notification of Discontinuance – 15-Day Advance Notice (**Attachment 6.15-A**)
- Notify the distribution site

Sub-Grantee Notification to Grantee:

- The Sub-Grantee must complete the following:
 - Submit a 90-day written notification to the Grantee on the agency's letterhead
 - Notify participants using the New Jersey Commodity Supplemental Food Program Notification of Discontinuance – 15-Day Advance Notice (**Attachment 6.15-A**)
 - Notify the distribution site in writing

The State's Responsibilities

- Complete the New Jersey Commodity Supplemental Food Program (CSFP) Grantee/Sub-Grantee Exit Assessment Form (**Attachment 5.8-A**)
- Keep track of all documents and records collected during the exit process
- Follow the transfer of the CSFP foods, if in State
- Follow-up and request records as needed during the record retention period

Notification to USDA

- The State shall notify USDA of the decision within 30-days of receiving the notice.
- A physical inventory of all USDA Foods must be conducted and a current inventory on hand report must be submitted to the State
- Complete the USDA Transfer/Redonation Form
- USDA would provide written instruction on how to handle federal food deliveries, storage, transfers, re-donations, etc.

Notification to Participants

- The Grantee and Sub-Grantee shall complete the following:
 - New Jersey Commodity Supplemental Food Program Notification of Discontinuance – 15-Day Advance Notice (**Attachment 6.15-A**)
 - Public notifications about closure and copies of who they were sent to
 - Referrals made to CSFP participants

Records and Recordkeeping

- A Grantee/Sub-Grantee must liquidate all obligations incurred under the grant no later than 60 days after closing/termination.
- A Grantee/Sub-Grantee must dispose of all inventories under the grant no later than 60 days after closing/termination.
- A Grantee/Sub-Grantee must maintain all record, except financial, for three plus current years under the grant after closing/termination.
- A Grantee/Sub-Grantee must maintain all financial records for seven years under the grant after closing/termination.

The State will arrange a site visit to the Grantee/Sub-Grantee to conduct a final evaluation of the site after closing/termination. After review, the State will submit a final closure letter to the Grantee. The Grantee may use the contents of the letter for its Sub-Grantees.

6 ELIGIBILITY, CERTIFICATION AND RECORDKEEPING

This section describes the certification process for the Commodity Supplemental Food Program in the State of New Jersey.

Reference(s): Code of Federal Regulations §247.8
Code of Federal Regulations §247.9
Code of Federal Regulations §247.12

The local agency (LA) shall provide Program benefits to participants, or designated proxies in the most effective and efficient manner.

6.1 Residency Eligibility

Applicant shall be a resident of the State of New Jersey. The NJDOH shall not impose any durational or fixed residency requirements on migrant and seasonal farm workers once proof and documentation of their status is reasonably determined. Applicants **must** show proof of residency.

Proof of residency for the State of New Jersey include the following:

1. Driver's License,
2. State Issued Identification Card,
3. Rental (Housing) Lease, or
4. **Three** copies of three different written correspondences dated 30 days or less (bills or personal form of mail).

6.2 Categorical (Status) Eligibility

Applicants shall be categorically eligible as an senior person 60 years of age or older. Applicants **must** show proof of category.

Proof of age shall be determined from one of the following:

1. Birth Certificate,
2. Passport,
3. Driver's License, or
4. State Issued Identification Card.

6.3 Income Eligibility

Applicant shall be income eligible. Income means gross income before deductions for such items as income taxes, employees' social security taxes, insurance premiums, and bonds. Elderly must meet the federal income guideline of 150% poverty level and **must** show proof of.

Proof of income will be determined from one of the following:

1. A recent paycheck stub,
2. W-2 Form or income tax return for the previous calendar year,
3. Statement of unemployment benefits,
4. Social security benefits statement,
5. Retirement income statement, or
6. Self-declaration.

Applicants who declare zero income must provide explain how that are able to take care of him/herself.

The CFBNJ and food banks may use the average household income during the previous 12 months and current household income to determine which more accurately reflects the household's status.

Below is the income scale that shows the poverty guidelines of 150% for seniors.

CSFP INCOME GUIDELINES--2026*

48 CONTIGUOUS STATES, PUERTO RICO, AND DISTRICT OF COLUMBIA							
	Federal Poverty Guidelines - 100%	130%			150%		
Household Size	Annual	Annual	Monthly	Weekly	Annual	Monthly	Weekly
1.....	\$15,960	\$20,748	\$1,729	\$399	\$23,940	\$1,995	\$461
2.....	21,640	28,132	2,345	541	32,460	2,705	625
3.....	27,320	35,516	2,960	683	40,980	3,415	789
4.....	33,000	42,900	3,575	825	49,500	4,125	952
5.....	38,680	50,284	4,191	967	58,020	4,835	1,116
6.....	44,360	57,668	4,806	1,109	66,540	5,545	1,280
7.....	50,040	65,052	5,421	1,251	75,060	6,255	1,444
8.....	55,720	72,436	6,037	1,393	83,580	6,965	1,608
For each add'l household member, add...	\$5,680	\$7,384	\$616	\$142	\$8,520	\$710	\$164

CSFP Adjunctive Eligibility

Applicants may self-attest to their participation in the following Federal Programs, which may qualify them as income eligible for CSFP.

1. Supplemental Nutrition Assistance Program (SNAP)
2. Supplemental Security Income (SSI)
3. Low Income Subsidy Program (LISP)
4. Medicare Savings Program (MSP)

6.4 Nutritional Risk Eligibility

Nutrition risk criteria shall **not** be used to screen for eligibility for seniors. Nutrition education materials shall be distributed to all participants with their monthly food package.

6.5 New Participant Certification

The food banks and distribution sites shall record the following data for all applicants on the certification form.

1. For Agency Use Only,
2. Participant Information (name, address, phone, number, household size),
3. Proxy Identification (name and signature of proxy),
4. Eligibility (proof of age, proof of gross income, proof of residence),
5. Racial/Ethnic Participation Data,
6. Referral To and/or Referral Form,
7. Participant's Consent,
8. Signature and Date of Participant, and
9. Signature and Date of the CSFP Representative.

All eligibility criteria shall be met at each certification. The food banks and distribution sites shall inform participants of the duration of the certification. Certification ends when a participant fails to be recertified, when a participant is residentially and financially terminated for ineligibility, and when a participant is deceased. The food banks and/or distribution sites shall advise in writing individuals who are ineligible and their rights to a fair hearing. The food banks and/or distribution sites shall notify participants **15-days** before the expiration of their certification that their eligibility is about to expire. **See Attachment 6.5-A (English) and Attachment 6.5-B (Spanish) for copies of the New Participant Self-Declaration Certification Form.** This form will only be used for new applicants or applicants that were once on the Program and want to renew but had a three or more months break in service. The certification period shall not exceed twelve-months.

An applicant may self-declare to participate in the CSFP. Each applicant shall self-declare that the information he/she provides is true and complete to the best of their knowledge and ability. An applicant understands that self-declaration statement is subject to verification and if such information is falsified, he/she will be terminated from the CSFP and may be subject to recovery of the CSFP benefits.

6.6 Annual Re-Certification (Participants already Certified)

Re-certification shall occur annually. The food banks and/or distribution sites shall re-certify participants annually. The annual re-certification shall extend to the final day of the month in which eligibility expires. Regardless of what date a participant signs up for the CSFP, all

participants **must** be recertified at the same time and during the same month, including all participants on the waitlists from every site. Participants on the permanent and waitlists who were previously certified for CSFP and who wishes to continue in the CSFP, must meet the same certification requirements as a new certification applicant. All eligibility criteria must be met for each re-certification. During the annual re-certification, participants must answer the following questions.

- 1.Are you still interested in the CSFP?
- 2.Do you still live at the same address?
- 3.Has your income changed from what was last reported?

During the annual re-certification, participants must provide proof of income. The proof of income must be documented on the form. All information must be verified, and eligibility must be determined on an individual basis.

The food banks and/or distribution sites must notify program participants in writing at least 15 days before the expiration date that eligibility for the program is about to expire. The food banks and/or distribution sites must include a statement in the written notification that informs the applicant that program standards are applied without discrimination by race, color, national origin, age, sex, or disability. **See Attachment 6.7-A for a copy of the One Year Re-Certification Form.**

6.7 Waiting List

A waiting list, of individuals who applied for benefits when there are no caseload or funds available to provide Program benefits, shall be maintained for each distribution site. The food banks shall maintain and manage the waiting lists. Unless they have been determined ineligible, applicants must be notified of their placement on a waiting list within 10 days of their request for benefits in accordance with §247.15.

A certification form (Attachment 6.5-A) must be completed even though an applicant is placed on a waiting list. Individuals shall be notified immediately at the distribution sites that they are placed on a waiting list. The individual shall sign the certification form and the waiting list to acknowledge that they were placed on the waiting list. The distribution sites staff, as confirmation of such acknowledgement, shall then initial and date the waiting list. Within 10-days after applying for CSFP benefits, applicants shall be mailed a formal letter from the Food banks stating that they were placed on a waiting list, and their removal from the list shall be based on caseload availability and the position that they are on the waiting list.

If applicants are on a waiting list and a certified applicant fails to pick-up his/her monthly food package for that month, the applicants shall be granted a temporary one-month food package for that month only and shall remain on the waiting list. The waiting list shall be first-on-first-off. Applicants shall be contacted in the order they were placed on the waiting list when caseload becomes available. When an applicant is removed from the waiting list to the active list, the applicant below him/her shall move up to the next slot and so forth. **See Attachment 6.8-A for a copy of the CSFP Waiting List.**

The food banks must ensure that a CSFP participant is served when he/she moves from one area to another area served by CSFP and whose certification period has not expired. The participant must be given the opportunity to continue to receive CSFP benefits for the duration of the certification period. If the distribution site has a waiting list, the participant must be placed on its waiting list **ahead** of all other waiting applicants. The food banks that determined the participant's eligibility must provide verification of the expiration date of the certification period to the participant upon request.

6.8 Verification of Certification (V.O.C.)

The food banks and/or distribution sites shall continue to provide program benefits until the end of the month in which certification ends, and participants who move from one area to another within the State. The food banks and/or distribution sites shall issue a Verification of Certification (V.O.C.) Letter to every participant who intends to relocate during the certification period. Issuing a V.O.C. does not guarantee participation in the CSFP within New Jersey (once certification ends) or another state. If the food banks and/or distribution sites has a waiting list, the participant must be placed on the waiting list **ahead** of all other waiting applicants. Participation shall be determined by caseload assignment and/or funding. **A copy of the V.O.C. Letter is found in Attachment 6.10-A.** The local agency shall not accept the V.O.C. when the certification period in which it was issued has expired.

6.9 Dual Enrollment and Dual Participation

The State and food banks shall detect and prevent dual participation. Participants found dually enrolled or participating in the CSFP shall be advised in writing that he/she is conducting dual enrollment/participation and will be terminated from one of the sites or the CSFP altogether. The following plan shall be used to detect dual enrollment and dual participation:

1. Review the CSFP database monthly throughout the State.
2. Participants shall be notified that they cannot participate in CSFP at more than one site and that termination shall result if participation in more than one site occurs.
 - a. Participants found committing dual participation shall be terminated from one of the sites immediately and shall be notified in writing of termination from the site. Participants making false statements shall be disqualified unless it is determined that disqualification would result in a serious health risk. In that case a claim against a participant to recover the value of the CSFP benefits improperly received shall be initiated. Claims shall be approved by the State and USDA.
3. Outreach materials for CSFP shall include statements regarding the illegality of dual enrollment and dual participation in more than one CSFP site.

The participant shall receive in writing a copy of the fair hearing procedure. **See Attachment 6.11-A for a copy of the Dual Enrollment and Dual Participation/Ineligibility/Termination Letter.** The notification shall include the reason why an applicant is ineligible, and information about civil rights and their rights to a fair hearing.

6.10 Program Abuse and Sanction and Termination

The food banks and/or distribution sites shall check the identification of each applicant. The food banks and/or distribution sites shall check the identity of each proxy. The food banks and/or distribution sites shall disqualify applicants, participants and proxies from CSFP participation if it is established that the applicant fraudulently applied for and/or obtained CSFP benefits. Participant will also be removed and sanctioned if they violate CSFP regulations, policies and procedures, rules and/or guidelines, etc.; if they intentionally make false or misleading statements or intentionally withholding information pertaining to eligibility; sell or exchange donated foods obtained for food and/or non-food items; physically abuse or threat of physical abuse of CSFP participants, staff or representative. **See Attachment 6.12-A for a copy of the Program Abuse and Sanction Letter.** The food banks and/or distribution sites must provide the individual with written notification of disqualification from CSFP at least 15 days before the effective date of disqualification. The notification shall include the reason why an applicant is disqualified, the sanctions imposed, the effective date and period of disqualification, and a statement that the individual may appeal the disqualification through the fair hearing process, in accordance with §247.33(a).

6.11 Food, Agriculture, Conservation, and Trade Act of 1990

Participants shall be advised of the importance of participating in ongoing routine health care. The State agency shall make every effort to ensure that the food banks and/or distribution sites are providing each adult applicant or participant with written information on health referral programs such as Social Security Income, Medical Assistance, and/or SNAP (formerly Food Stamps). CSFP food banks and/or distribution sites shall establish a network with local health care providers, clinics, physicians, hospitals and social service programs to keep abreast of current information pertaining to the availability of various assistance programs. The referral information shall be documented on the certification form, analyzed and distributed to participants and staff during trainings, office visits and food distribution. The food banks and/or distribution sites providing services to the elderly will also distribute resources, e.g. New Jersey's Office on Aging, Meals on Wheels, Social Services Administration, Faith-Based Organizations and Community-Based Organizations.

6.12 Ineligibility

Applicants shall be notified of their ineligibility for CSFP benefits within 10-days from the date of application. Applicants shall be ineligible if they do not meet eligibility standards; overdue for recertification or failure to pick up food for two months or more, become institutionalized or deceased. **See Attachment 6.11-A for a copy of the Dual Enrollment and Dual Participation/Ineligibility/Termination Letter.** The notification shall include the reason why an applicant is ineligible, and information about civil rights and their rights to a fair hearing.

6.13 Discontinuance Due to Resources

If the CSFP does not have enough resources, such as sufficient number of caseload slots, to continue providing benefits to the participant(s) for the entire certification period, the participants shall be provided a written notification of discontinuance at least 15-days before the effective date of discontinuance. **See Attachment 6.15-A for a copy of the Notification of Discontinuance.**

The notification of the discontinuance of benefits has the following:

1. Today's Date,
2. Effective date of discontinuance,
3. Name and address of applicant,
4. Site applicant located,
5. Reason for the participant discontinuance,
6. Rights to a fair hearing, and
7. Civil rights statement.

6.14 Records and Recordkeeping

State and food banks must maintain accurate and complete records relating to the receipt, disposal, and inventory of USDA Foods, the receipt and disbursement of administrative funds and other funds, eligibility determinations, fair hearings, and other program activities.

State and food banks must also maintain records pertaining to liability for any improper distribution of, use of, loss of, or damage to USDA Foods, and the results obtained from the pursuit of claims arising in favor of the State or local agency. All records must be retained for a period of three fiscal years plus the current fiscal year to which they pertain, or, if they are related to unresolved claims actions, audits, or investigations, until those activities have been resolved. As per State law, financial records must be maintained for a period of seven years.

All records must be available during normal business hours for use in management reviews, audits, investigations, or reports of the General Accounting Office.

The State agency shall complete the FNS-153 monthly, the FNS-191 annually and the SF-425 annually. The FNS-153 is a report that is used to collect data on the use and distribution of the donated foods, the population served, and (on a quarterly basis) the cumulative administrative funds expended and obligated, and the amount remaining unobligated the FNS-191 is used to collect data on racial/ethnic group participation. The SF-425 is used to report the financial status of the CSFP at the close of the fiscal year.

Food banks must maintain records by federal fiscal year operation and files must be in some sort of alphabetical and numerical order. Food banks must keep all CSFP related materials separated from non-CSFP materials in the files.

6.16 Confidentiality

All information collected by the CSFP is confidential. State food banks, and distribution sites must restrict the use or disclosure of information obtained from CSFP applicants or participants to persons directly connected with the administration or enforcement of the program, including persons investigating or prosecuting program violations.

The State food banks, and distribution sites may exchange participant information with other health or welfare programs for the purpose of preventing dual participation. In addition, with the consent of the participant, as indicated on the application form, the State food banks, and distribution sites may share information obtained with other health or welfare programs for use in determining eligibility for those programs, or for program outreach. However, the State agency must sign an agreement with the administering agencies for these programs to ensure that the information shall be used only for the specified purposes, and that agencies receiving such information will not further share it.

The State food banks, and distribution sites must protect the confidentiality, and other rights, of any person making allegations or complaints against another individual participating in, or administering CSFP, except as necessary to conduct an investigation, hearing, or judicial proceeding.

7 CASELOAD MANAGEMENT

Reference(s): Code of Federal Regulations §247.1
Code of Federal Regulations §250.2

This section describes the policies and procedures used for obtaining and maintaining caseload the State of New Jersey Commodity Supplemental Food Program.

The proposed caseload from USDA for FFY 2026 is 4,865.

7.1 Program Expansion

Performance shall be based on maintaining a caseload of 95% or higher. Once caseload slots are filled, participants will be immediately placed on a waiting list until slots become available. The counties selected first shall be those that have the greatest need for the Program, i.e. where there are a high percentage of low-income and categorically eligible participants. **For fiscal year 2026, New Jersey wants to continue CSFP Distribution in the NORWESCAP region of the State.** When caseload slots are achieved, participants will be placed on a waiting list as stipulated in **Section 6.6** of this CSFP State Plan of Program Operation.

7.2 Redistribution of Caseload

The State Agency oversees and is ultimately responsible for all aspects of the CSFP and shall re-distribute caseloads and administrative funds as deemed necessary to sites where there is a need.

7.3 Outreach Plan

The food banks shall be responsible for the coordination of services with health and social service organizations, faith-based organizations (FBOs), community-based organizations (CBOs) and the Office on Aging.

The food banks must provide elderly applicants with written information on the following programs, and make referrals, as appropriate:

1. Supplemental security income benefits provided under Title XVI of the Social Security Act (42 U.S.C. 1381 *et seq.*);
2. Medical assistance provided under Title XIX of the Social Security Act (42 U.S.C. 1396 *et seq.*), including medical assistance provided to a qualified Medicare beneficiary (42 U.S.C. 1395(p) and 1396d(5)); and
3. The Food Stamp Program (7 U.S.C. 2011 *et seq.*).

A referral network with these organizations shall be established to continually refer eligible participants to CSFP. The food banks shall continue to explore creative ways to increase participation by participating in community health fairs, and the dissemination of CSFP literature to the public.

The State Agency shall ensure that the food banks provide program information in other languages if a significant proportion of the population in a geographical area is comprised of non-English or limited-English speaking individuals. The food banks shall ensure that bilingual staff members or interpreters are available to serve these populations.

7.4 Homebound Seniors

Eligible participants who are unable to attend distributions may designate on their application a relative, friend or other authorized representative as their proxy for receipt of the food package. Homebound clients shall also have their food packages delivered to them by their designated individual.

8 NUTRITION EDUCATION

Reference(s): Code of Federal Regulations §247.1
Code of Federal Regulations §250.2

This section describes the policies and procedures used for providing nutrition education to participants in the Commodity Supplemental Food Program in the State of New Jersey.

8.1 Nutrition Education Goals and Objectives

The goal of nutrition education is to educate participants on dietary and nutritional improvement. The specific goals are:

1. To ensure that local agencies provide nutrition education to participants,
2. To provide nutrition materials at each certification/distribution site to participants,
3. To survey and evaluate participants about their nutritional needs, and
4. To increase the nutrition awareness of participants.

8.2 Nutrition Education Resources

The following resources are examples of what shall be used for nutrition education resources.

1. Recipes, Fruits and Vegetables More Matters literature, My Plate, and/or other relevant nutrition materials

8.3 Nutrition Education Personnel Requirement

The nutrition education staff must have a health background and excellent written and oral communication skills. The staff shall be trained by the New Jersey State CSFP Manager to disseminate nutrition education materials and evaluate the nutrition needs of participants.

8.4 Delivery of Nutrition Education

Nutrition education shall be conducted by the monthly dissemination of nutrition materials.

The State or local agency, or another agency with which it has signed an agreement, may use CSFP foods to conduct cooking demonstrations as part of the nutrition education provided to program participants, but not for other purposes.

8.5 Nutrition Education Evaluation

Nutrition education shall be evaluated by participant surveys, and written feedbacks.

8.6 Nutrition Education for the Homebound

Nutrition education shall be delivered by the dissemination of nutrition education literature in their food packages.

The food banks and distribution sites must provide nutrition education that is easily understood by participants and is related to their nutritional needs and household situations. The food banks and distribution sites must provide nutrition education that includes the following information, which should account for specific ethnic and cultural characteristics whenever possible:

1. The nutritional value of CSFP foods, and their relationship to the overall dietary needs of the population groups served;
2. Nutritious ways to use CSFP foods;
3. Special nutritional needs of participants and how these needs may be met;
4. The importance of health care, and the role nutrition plays in maintaining good health; and
5. The importance of the use of the foods by the participants to whom they are distributed, and not by another person.

The food banks and distribution sites must make nutrition education available to all adult participants. Nutrition education materials shall be distributed to all participants with their monthly food package.

9.0 DISTRIBUTION AND CONTROL OF DONATED FOODS

Reference(s): Code of Federal Regulations §247.1
Code of Federal Regulations §250.2

This section describes the distribution, control, warehousing, and storage of donated foods for the Commodity Supplemental Food Program for the State of New Jersey.

9.1 Donated USDA Foods Overview

1. Donated foods shall be available only for the New Jersey Commodity Supplemental Food Program in accordance with the provisions of CFR Part 247, CFR Part 250, and any other federal and state policies, guidelines, and instructions.
2. Donated foods shall not be sold, exchanged or otherwise disposed of without the approval of Mid-Atlantic Regional Office of the United States Department of Agriculture (MARO USDA) and the State Agency.
3. Donated foods may be transferred between like recipient agencies only with prior authorization of distributing agency.
4. Bonus foods (foods that are provided in addition to the authorized level of assistance) may be transferred between recipient agencies that are eligible to receive such foods with the prior authorization of the distributing agency.

5. The transfer of donated foods between unlike recipient agencies (e.g., from CSFP to charitable institutions), must be approved by the MARO USDA and the State Agency.
6. Donated foods may be transferred by recipient agencies which are distributing donated foods. A transfer between recipient agencies may be made only with the prior approval of the distributing agency, the CSFP State Agency and state TEFAP agency.
7. All transfer of donated foods shall be documented and maintained on file according to Section 6.16 of this state plan of operation.
8. The quantity of donated foods shall be made available by USDA and is dependent upon caseload, pertinent legislation, and program obligation of the Department.
9. Donated foods shall only be requested and distributed only in quantities that can be consumed without waste.
10. The distributing agency shall maintain no more than a three-month supply of donated foods.
11. When a USDA Food category becomes available in limited quantities, the Department shall allocate such foods using allocation percentages based on participation data.
12. Donated foods and food packages shall be assessed a value.
13. The distributing agency shall order the donated foods through WBSCM and shall maintain monthly distribution schedules which provide equitable and reliable deliveries to recipient agencies, recognize local hours of operation, holidays and vacations, and whenever possible, other special needs.
14. Donated foods shall not be used for any demonstrations and tests.
15. Donated foods shall only be distributed to recipients agencies and recipients eligible to receive them as per CFR Part 247, CFR Part 250, and any other federal and state policies, guidelines, and instructions.
16. Donated foods that are improperly distributed, lost, or damaged shall be assessed a claim by the Department.
17. Once established, donated foods that are found to be damaged or out-of-condition and are declared unfit for human consumption by Federal, State or local health officials, or by any inspection services or persons deemed competent by the Department, shall be disposed of in accordance with instructions of the Department and State agency.
18. The Department shall replace donated foods when the foods are stale, spoiled, out-of-condition, or not in compliance with USDA specifications at the time they were delivered by the Department.
19. Donated foods that cannot be efficiently utilized, shall be disposed of with written request and consent form USDA MARO and the State Agency.
20. Donated foods shall be inspected by USDA MARO before the distributing agency re-donates it.
21. Whoever embezzles, willfully misapplies, steals, or obtains by fraud, donated foods or any funds, assets, or property deriving from donated foods or whoever receives, conceals, or retains such donated foods, funds, assets, or property for his/her own use or gain, knowing such donated foods, funds, assets, or property have been embezzled, willfully misapplied, stolen, or obtained by fraud shall be subject to Federal criminal prosecution.
22. Information and data on the use of donated foods shall be submitted to the Department monthly.

9.2 Ordering Commodity Supplemental Food

The following methods shall be used to order USDA donated foods using the federal WBSCM ordering system. Each ordering person must have his/her own user ID and password.

Direct Shipment – this method of shipment (full truckload of a single donated food category) delivers food directly from a vendor to the CSFP warehouse. This method will be used when sufficient storage space is available for supplying a full food package, and inventories do not exceed a two-month supply.

Multifood Shipment – this method of shipment (full truckload of various donated foods) delivers food directly from a vendor to the CSFP warehouse. This method will be utilized when storage space is limited, when partial quantities of individual foods are needed, and when participation does not support the volume of direct shipments.

9.3 Commodity Supplemental Food Package

The State of New Jersey shall use the standard donated food package issued by the United States Department of Agriculture (USDA) for seniors (60 years and older).

This package contains a variety of the following from each food group (the variety and amounts may change depending on what is available from USDA and each food group). Food packages include a variety of foods, such as nonfat dry and ultra-high temperature fluid milk, juice, farina, oats, ready-to-eat cereal, rice, pasta, peanut butter, dry beans, canned meat or poultry or fish, and canned fruits and vegetables.

CSFP FOODS FROM USDA	PACK SIZE
VEGETABLES	
BEANS, GREEN, LOW-SODIUM, CANNED (KOSHER)	24/15.5 oz cans
CARROTS, SLICED, LOW-SODIUM, CANNED	24/15.5 oz cans
CORN, WHOLE KERNEL, NO SALT ADDED, CANNED (KOSHER)	24/15.5 oz cans
MIXED VEGETABLES, 7-WAY BLEND, LOW-SODIUM, CANNED	24/15.5 oz cans
PEAS, GREEN, LOW-SODIUM, CANNED	24/15.5 oz cans
POTATOES, DEHYDRATED FLAKES	12/1-pound package
POTATOES, SLICED, LOW-SODIUM, CANED	24/15.5 oz cans
SPAGHETTI SAUCE, LOW-SODIUM, CANNED	24/15.5 oz cans
SPINACH, LOW-SODIUM, CANNED	24/15.5 oz cans
SWEET POTATOES, LIGHT SYRUP, NO SALT ADDED, CANNED	24/15.5 oz cans
TOMATO JUCIE, 100%, LOW SODIUM	8/64-ounce bottle
TOMATO SOUP, CONDENSED, LOW-SODIUM, CANNED	24/10.5 oz cans

TOMATOES, DICED, NO SALT ADDED, CANNED	24/15.5 oz can
VEGETABLE SOUP, CONDENSED, LOW SODIUM	24/10.5 oz can
JUICES/ FRUITS	
APPLE JUICE, 100%, UNSWEETENED	8/64 oz bottle
APPLESUACE, UNSWEETENED, CANNED (KOSHER)	24/15.5 oz can
APRICOTS, HALVES, EXTRA LIGHT SYRUP, CANNED	24/15.5 oz can
CHERRY APPLE JUICE, 100%, UNSWEETENED	8/64 oz bottle
CRANBERRY APPLE JUICE, 100%, UNSWEETENED	8/64 oz bottle
GRAPE JUICE, CONCORD, 100%, UNSWEETENED	8/64 oz bottle
MXED FRUIT, EXTRA LIGHT SYRUP, CANNED	24/15.5 oz can
ORANGE JUICE, 100%, UNSWEETENED	8/64 oz bottle
PEACHES, SLICED, EXTRA LIGHT SYRUP, CANNED	24/15.5 oz can
PEARS, EXTRA LIGHT SYRUP, CANNED (KOSHER)	24/15.5 oz can
PLUMS, PURPLE, CANNED	24/15.5 oz can
RAISINS, UNSWEETENED	24/15 oz box
PROTEIN FOODS	
BEEF, CANNED/POUCH	24/24 package
BEEF CHILI, WITH BEANS, CANNED/POUCH	12/15 oz package
BEEF STEW, CANNED/POUCH	24/15 oz package
CHICKEN, CANNED	24/12.5 oz cans
CHICKEN POUCH	36/10 oz pouch
PEANUT BUTTER, SMOOTH	12/16 oz jar
SALMON, PINK, CANNED	24/14.75 oz can
BEANS, PEAS, AND LENTILS	
BEANS, BLACK, LOW-SODIUM, CANNED	24/15.5 oz can
BEANS, GREAT NORTHERN, DRY	24/1 lb. bag
BEANS, KIDNEY, LIGHT RED, DRY	24/1 lb. bag
BEANS, KIDNEY, RED, LOW-SODIUM, CANNED	24/15.5 oz can
BEANS, LIMA, BABY, DRY	24/1 lb. bag
BEANS, PINTO, DRY	24/1 lb. bag
BEANS, PINTO, LOW-SODIUM, CANNED	24/15.5 oz can
BEANS, VEGETARIAN, LOW-SODIUM, CANNED	24/15.5 oz can
LENTILS, DRY	24/1 lb. bag
DAIRY	

CHEESE, AMERICAN, REDUCED FAT, LOAVES, REFRIGERATED	12/2 lb. package
MILK, 1%, SHELF-STABLE ULTRA-HIGH TEMPERATURE (UHT) PASTEURIZATION	12/32 oz carton
MILK, INSTANT NONFAT DRY	24/12.8 oz package
GRAINS	
CEREAL, READY TO EAT*	10-20 oz package
CEREAL, WHEAT FARINA, ENRICHED	10/18 oz package
GRITS, CORN, WHITE	12/2 lb. package
OATS, ROLLED, QUICK COOKING (WHOLE GRIAN)	12/18 oz package
PASTA, MACARONI, ENRICHED	20/1 lb. box
PASTA, ROTINI, WHOLE GRAIN	12/1 lb. box
PASTA SPAGHETTI, ENRICHED	20/1 lb. box
RICE, LONG GRAIN	24/1 lb. bag
RICE, LONG GRAIN, BROWN (WHOLE GRAIN)	30/1 lb. bag

9.4 Storing USDA Foods

1. Commodity foods shall be stored in a first-in-first-out warehousing system. This shall be the most cost effective and efficient system.
2. Inventory shall be completed, and all USDA foods will remain at the warehouse under appropriate storage conditions until dispersed to the local and volunteer agencies.
3. The CSFP storage facility shall be responsible for the execution of all functions relating to the physical receipt, storage and shipment of USDA Foods. The CSFP storage facility will be charged with:
 - a. The overall responsibility for storage and distribution operations, including appropriate periodic rotation of stocks,
 - b. Checking all incoming shipments for expiration on package dates,
 - c. The maintenance and supervision of inventory procedures, and assisting and conducting inventory,
 - d. The accountability off all stocks, storage and maintenance of all CSFP records, and
 - e. Providing assistance to the State Agency office in directing effective operation of all food distribution, instructing staff policies, procedures, stocks level requires, stock issues to centers and recipients, and all other appropriate recordkeeping.
4. The warehouse shall be responsible for the handling, storage and distribution of donated foods which:
 - a. Are sanitary and free from rodent, bird, insect and other animal infestation;
 - b. Safeguard against theft, spoilage and other loss;
 - c. Maintain foods at proper storage temperatures;
 - d. Excepting recipient agencies, stock and space foods in a manner so that USDA-donated foods are readily identified;

- e. Store donated food off the floor in a manner to allow for adequate ventilation; and
 - f. Take other protective measures as may be necessary.
5. Distributing agencies, subdistributing agencies and recipient agencies shall ensure that storage facilities have obtained all required Federal, State and/or local health inspections and/or approvals and that such inspection/approvals are current.
 6. All distributing agency level storage facilities shall be reviewed monthly.
 7. Distributing agencies shall ensure that subdistributing and recipient agencies conduct annual reviews of their respective storage facilities.
 8. The warehouse shall monitor itself annually to ensure that physical inventory and its distribution system are efficient and effective.

9.5 Inventory

1. The inventory shall be maintained between 2 – 2.5 months.
2. The warehouse supervisor and the assistant warehouse supervisor shall perform a physical monthly inventory each month using **Attachment 9.5 A**.
3. During the warehouse inventory, every CSFP food item will be accounted for, including all damaged items (**Attachment 9.5 B**).
4. The loading sheets that list all foods scheduled for delivery shall be pulled from stock and will be reconciled with the inventory.
5. Inventory shall be maintained on a daily basis in the warehouse and checked to ensure that the ending balance matches the amount that was physically counted for each food item.
6. All inventory discrepancies shall be resolved immediately through recounting, and through investigation.
7. Physical inventory records shall be filed and maintained for a period of seven years.
8. The local agency and volunteer agency staff shall perform an inventory at the end of each distribution.
9. Any undistributed USDA Foods shall be returned to the CFBNJ and will be documented. Reasons for adjustment will be documented.
10. All discrepancies shall be investigated and corrected and this information will be forwarded to the warehouse supervisor.
11. The CFBNJ staff shall verify the information. These records will be maintained at the warehouse files for 7 years.
12. The CFBNJ shall determine excessive inventories based on the rate of distribution, anticipated distribution, and other concerns such as logistical and economic considerations.
13. The inventory level of donated foods shall not exceed a two-month supply unless sufficient justification for additional inventory has been submitted and approved.
14. The State agency shall take corrective action to ensure that excess inventories at all levels are eliminated and will document actions taken to document excessive inventories.
15. Corrective action on each and any deficiency noted during these inventories shall be initiated immediately and a written report of those corrective actions will be forwarded to the State agency.
16. The State and local agencies will not require that participants make or provide any materials or services, in connection with the receipt of CSFP foods.

17. CSFP foods will not be distributed as a means of furthering the political interest of any person or party.
18. CSFP foods may not be used for outreach, refreshments, or for any purposed other than distribution to CSFP participants.

9.6 Receiving Commodity Supplemental Food

1. USDA Foods shall be stored in the CSFP warehouse.
2. Stock levels for the CSFP distribution centers will vary according to the size of site.
3. USDA Foods shall be distributed in cases to local and volunteer agencies on an as-needed basis in order to maintain the established stock level.
4. In the local and volunteer agencies, some of which will have space limitations, the donated foods shall be transported in case lots and stacked on pallets.
5. The food banks shall assume the cost of transporting the donated foods.
1. FNS Instruction 709-5 shall be used for receiving USDA donated foods. **Please see Attachment 9.8-A for a copy of the FNS Instruction 709-5.**
6. All CSFP orders must be receipted in the WBSCM computer system upon receipt.

9.7 Safeguards against Theft, Spoilage, Infestation, Fire and Other Losses

1. Facilities for the handling, storage and distribution of supplemental foods shall be safeguarded against theft, spoilage, infestation, fire and other losses by its own agency, the CSFP State Agency's monitoring and inspection, and by the Department of Health (DOH) on an ongoing basis.
2. DOH shall notify the CSFP agencies that it is required to verify whether grantees, subgrantees and health care providers meet Local/State Fire and Safety Codes for all the buildings and sites where CSFP clients are served.

9.8 Procedure for Handling Damaged Commodity Supplemental Foods

2. Damaged USDA foods shall be documented (**Attachment 9.5 B**) and disposed of at the agency sites.
3. A copy of the list of damaged USDA foods shall be kept on file at the site and a copy will be kept at the CSFP State Agency office.
4. FNS Instruction 709-5 has guidelines for disposing of damaged USDA foods and these procedures shall be followed. **Please see Attachment 9.8-A for a copy of the FNS Instruction 709-5.**

9.9 Insurance Coverage for Commodity Supplemental Foods

The CSFP warehouse and all agencies shall provide insurance coverage for all USDA foods as stipulated in the agreement.

9.10 Commodity Supplemental Food Distribution Process to Participants

1. When a participant appears at the local and volunteer agency, he/she may present his/her identification, or the CSFP Staff/local agency may allow one of the following:
 - CSFP Staff/local agency may allow participants or their proxies to self-attest or otherwise verify their identity by stating their name, signing a document, or otherwise verbally confirming their identity, or
 - CSFP Staff/local agency may check some form of identification of a participant or their proxies one time, then allow the use of visual identification or self-attestation as identity confirmation at future USDA Foods distributions: or
 - CSFP/local agency staff may require participants or their proxies to present some form of identification each time they receive USDA Foods. Documents that identify individuals may include, but are not limited to government-issued IDs, unique cards provided by distribution sites to CSFP participants at the time of certification or recertification.
2. Once the identification of the CSFP participant/proxy has been verified, CSFP Staff will issue a food package to the participant.
3. Each participant shall receive a food package once a month. CSFP staff may require participants or their proxies to sign the Monthly Signature Sheet to acknowledge that he/she received a CSFP food package. **See Attachment 9.10-A.**
 - CSFP/local agency may establish a digital technology application to modernize food distribution process in verifying participants identity and recording receipt of USDA Foods at time of distribution.
4. CSFP Foods shall be kept in a secured warehouse or secured distribution site under lock and key.

9.11 Disaster Assistance

Foods from the CSFP may be used in Presidentially declared disasters/emergencies, and in situations of distress. **Please see Attachment 9.11-A for a copy of the Commodity Disaster Manual.**

9.12 Distribution of CSFP Foods during National and State Emergencies

The food banks and distributing sites shall adhere to any policies, regulations, instructions, provided by the federal and state government.

These instructions shall only be implemented during national and state emergencies and must be authorized by the state agency.

Please see Attachment 9.12 A – Distribution of CSFP Foods during National and State Emergencies.

9.13 Counting Inventory

Attachments **9.13-A** shall be used to count and reconcile inventories at the food banks.

10 MANAGEMENT EVALUATION AND REVIEW

Reference(s): Code of Federal Regulations §247.1
Code of Federal Regulations §250.2

This section describes the monitoring procedures used by the New Jersey Commodity Supplemental Food Program.

10.1 Management Evaluation

1. A comprehensive management evaluation shall be conducted annually for the CSFP food banks and some randomly selected sites and agencies. **A copy of the management evaluation tool is attached in 10.1 A.**
2. The evaluation shall include the adequacy of facility, safety hazards, and program operation.
3. Once the comprehensive management evaluation is completed, a written report will be sent to the food bank and a copy will be placed on file at the CSFP State Agency Office.
4. The food bank shall respond and implement corrective action(s) within a given time frame as specified on the report.
5. Follow-up shall be accomplished through formal scheduled visits, conferences with staff, supervisors and coordinators, and telephone calls.

10.2 Monitoring

1. Monitoring shall include periodic training sessions for CSFP staff and those who have volunteered to assist with the distribution of USDA Foods to CSFP participants.
2. Whenever there are questions regarding procedures, inventories, certification, distribution, reports or other CSFP functions, a telephone call or visit shall be made to the site in question within a few days.

3. Follow-up shall be accomplished through informal visits, conferences with staff, supervisors and coordinators, and telephone calls.

10.3 Agency Monitoring

1. Distribution and volunteer agencies and the CSFP warehouse must establish management monitoring systems to review sub-grantees and their operations as stated in the agreement.
2. Internal monitoring of program operations and file reviews shall be completed yearly.
3. The distribution and volunteer agencies may divide program operations into several components to facilitate monitoring throughout the year.
4. The distribution and volunteer agencies shall evaluate the quality and accuracy of new staff to complete all tasks assigned on a monthly basis for the first six months of employment.

11 FINANCIAL MANAGEMENT

Reference(s): Code of Federal Regulations §247.1
Code of Federal Regulations §250.2

This section describes the financial management system used by the State of New Jersey for administering the Commodity Supplemental Food Program.

11.1 Description of the Financial Management System

The New Jersey Comprehensive Financial System (NJCFS) is an integrated governmental financial system. This automated financial management system accommodates accounting, budgeting, and planning event. NJCFS is broken down by functions. These functions include Budgeting, General Accounting Revenue, Expenditure, Grant, and Project. These are integrated for functional and reporting purposes. It is being combined with the Management Acquisition and Control System – Enhanced (MACS-E). This system was developed for the Purchasing Bureau.

The State of New Jersey has four main requirements for the financial system:

- To maintain on-line ledgers of all financial activities of the agencies;
- To manage and control expenditures based on budget;
- To track revenues based on budgets; and
- To ensure that the New Jersey complies with the Generally Accepted Accounting Principles (GAAP).

11.2 Letter of Credit

USDA shall send a notice of grant award to the New Jersey CSFP State Agency yearly. Cash drawdowns shall be made at intervals, to maintain appropriate cash flow within the CSFP.

11.3 Accounting Method

New Jersey State uses a modified-accrual accounting method.

11.4 Disbursement of Funds

With regard to the disbursement of funds and the allowance of various kinds of expenditures for federally funded programs, the state and local agency administer the program in accordance with the requirements for FMC 74-4, A-102 and A-110, where applicable.

A small portion of administrative funding shall be kept by the State to aid in the operation of the CSFP program. The State will retain for its own use the amount determined by the following formula:

1. 15 percent of the first \$50,000 received;
2. 10 percent of the next \$100,000 received;
3. 5 percent of the next \$250,000 received; and
4. A maximum of \$30,000, if the administrative grant exceeds \$400,000.

Administrative funding shall be used to cover allowable CSFP costs, including

1. Salary;
2. Storing, transporting, and distributing foods;
3. Determining the eligibility of program applicants;
4. Program outreach;
5. Nutrition education;
6. Audits and fair hearings; and
7. Monitoring and review of program operations.

Administrative and distribution costs shall be reimbursed by the State to the main distributing agency, keeping with the authorized funding level and the State/local agreement. Payments to the CFBNJ for allowable costs are based on quarterly regulatory requirements and claims for reimbursement. Claims are then reviewed and approved for payment by DOH. Approved requests are forwarded to DOH fiscal operations; and at the request of the CFBNJ, a physical check will be mailed.

The DOH shall maintain records to reflect reimbursements to the CFBNJ and the balance of the funds on hand. Claims shall be subject to on-site verification through site visits or management evaluations. The CFBNJ shall be required to maintain full and accurate records to support all claims for CSFP. All records shall be maintained for a period of three years from the close of the fiscal year to which they pertain or until all open audits or investigations are closed. All records

are viable during normal business hours for representatives of the State, USDA, and General Accounting Office to inspect, audit and/or copy.

DOH shall submit financial reports to USDA to verify administrative funding distribution and to assure proper financial management of local agencies operating the Program. These reports include the FNS-153, monthly report of the Commodity Supplemental Food Program and Quarterly Administrative Status Report, and the SF-425, Financial Status Report.

Unobligated funds shall be returned to FNS at the end of the close-out of the fiscal year.

11.5 Close-out Fiscal Year

The CSFP State agency will close out the fiscal year at the end of December. The closeout will be after September 30, the end of the fourth quarter.

11.6 Claims

On a cost-effective basis, the State agency shall pursue claims against a local agency or distribution site if it is determined that there is improper use of USDA foods.

1. Misused USDA foods include foods improperly distributed or lost, spoiled, stolen, or damaged as a result of improper storage, care, or handling.

Monetary Claims

The SA in accordance with 247.6 (c) has established the following cost-effective claim standard: The pursuit of a claim against a participant to recover the value of CSFP foods improperly received or used is cost effective when the value exceeds \$300.00 or 6 months of CSFP benefits. This implies that a participant would have to improperly receive benefits beyond six months after the end of a certification period. At that point, the program would pursue a claim to recover the value of each food package (approximately \$50 per package) received beyond the sixth month after the end of the certification period. Claims less than this amount is not cost effective. CFBNJ are required to use this standard in determining if a claim is to be pursued and to pursue claims in accordance with 247.30.

CFBNJ shall initiate a claim against a participant to recover the value of the CSFP foods improperly received or used. If CFBNJ determines whether the participant, or the parent or caretaker of the participant fraudulently received or used USDA foods. CFBNJ shall advise the participant of the opportunity to appeal the claim through the fair hearing process.

The State agency is responsible for initiating and pursuing claims against sub-distributing agencies, local agencies, or other agencies or organizations if they misuse program foods. **Please see Attachment 11.6-A for a copy of - FNS Instruction 410-1, Revision 2; Claims for Losses of Donated Foods and Related Administrative Losses--Procedures for the State Distributing Agency, dated December 29, 2010.** The State agency must use funds recovered as a result of claims for commodity losses.

In pursuing a claim against an agency, the local agency must:

1. Issue a letter demanding repayment for the value of the donated foods improperly used;
2. If repayment is not made in a timely manner, take additional collection actions that are cost-effective; and
3. Maintain all records regarding claims actions taken against participants.

On a cost-effective basis, the State agency shall pursue claims against a participant if it is determined that fraud occurred.

1. Fraud includes intentionally making false or misleading statements, or intentionally withholding information, to obtain CSFP foods, or the selling or exchange of CSFP foods for non-food items.

The local agency shall advise the participant of the opportunity to appeal the claim through the fair hearing process. The local agency shall also disqualify the participant from CSFP for a period of up to one year, unless the local agency determines that disqualification would result in a serious health risk.

In pursuing a claim against a participant, the local agency must:

4. Issue a letter demanding repayment for the value of the donated foods improperly received or used (see **Attachment 6.12 A – Program Abuse and Sanction Letter**);
5. If repayment is not made in a timely manner, take additional collection actions that are cost-effective, in accordance with the standards established by the State agency; and
6. Maintain all records regarding claims actions taken against participants.

12 COMPLAINTS

Reference(s): Code of Federal Regulations §247.1
Code of Federal Regulations §250.2

This section describes the procedures used by the State of New Jersey Commodity Supplemental Food Program in handling complaints for.

12.1 Documenting Complaints

The State Agency shall maintain a system of handling any Program complaints. Complaints from clients or distribution sites about the CSFP shall initially be forwarded to the CFBNJ. The CFBNJ shall determine the nature of the complaint and determine what action should be taken. The CFBNJ shall investigate promptly complaints received in connection with the distribution or use of donated foods. Irregularities found shall be corrected immediately. Serious irregularities shall be reported promptly to the DOH. **Please see Complaint Policy 1.33 Attachment A (WIC 32) for the handling of complaints.** The State Agency shall subsequently, if needed, immediately follow up and investigate all complaints forwarded by clients, USDA, local agency, volunteer agency and the CFBNJ.

The CFBNJ and the State agency shall maintain and file evidence of such investigations and actions. The Department also reserves the right to conduct investigations and shall have the final determination as to whether a complaint had been properly handled. Complaints alleged on the basis of race, color, national origin, age, sex or handicap will be handled in accordance with the civil rights requirements.

13.0 AUDITS

Reference(s): Code of Federal Regulations §247.1
Code of Federal Regulations §250.2

This section describes the auditing procedures used in the State of New Jersey for the Commodity Supplemental Food Program.

13.1 Audits

The Secretary, the Comptroller General of the United States, or any of their duly authorized representatives, may inspect any inventory donated foods in storage or the facilities used in the handling or storage of such donated foods, and may inspect and audit all records, including financial records, and reports pertaining to the distribution of donated foods and may review or audit the procedures and methods used in carrying out the requirements of the Program at any reasonable time.

The CFBNJ shall submit a corrective action plan when it is found to be substantially out of compliance. The corrective action shall identify the areas of deficiencies and the timeframe needed to correct the deficiencies. The plan shall be written, signed by the proper official in the CFBNJ and submitted within 60 days after it receives notification of a deficiency. Extensions beyond 60 days may be made with written justification.

The State of New Jersey shall provide for an independent audit of the CSFP. Such Audit shall be conducted in accordance with the requirements of the Office of Management and Budget (OMB) Circular A-102, A-110, A-122 and the audit regulations A-128. The audit shall be conducted annually. An external auditor shall perform the Audit once every year.

The State agency shall ensure that audit deficiencies are resolved in a timely manner. Record reviews shall be used to see that actions taken were effective in resolving deficiencies. The State Agency shall provide continuous training on Program operations for personnel found by auditors to be deficient. A summary of major audit findings shall be shared with Program staff to decrease the chances of similar problems occurring again. FNS-128-4 “Resolution Special Nutrition Program” shall be used as a guide for correcting audit deficiencies.

14.0 CIVIL RIGHTS

Reference(s): Code of Federal Regulations §247.1
Code of Federal Regulations §250.2

This section describes the civil rights procedures for the Commodity Supplemental Food Program in the State of New Jersey.

14.1 Civil Rights

State, CFBNJs and Local Distributing Agencies (LAs) must comply with the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 *et seq.*), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794 *et seq.*), the Age Discrimination Act of 1975 (42 U.S.C. 6101 *et seq.*), and titles II and III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*).

State, CFBNJs and (LAs) must also comply with the Department’s regulations on nondiscrimination, and with the provisions of FNS Instruction 113–2, including the collection of racial/ethnic participation data and public notification of nondiscrimination policy. The FNS-191 report of racial/ethnic participation will be submitted annually to the State and forwarded to USDA Food and Nutrition Services. State and local agencies must ensure that the following statement is on all materials associated with the CSFP.

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA’s TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant’s name, address, telephone number, and a written description of the alleged discriminatory action in sufficient

detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. mail:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
2. fax:
(833) 256-1665 or (202) 690-7442; or
3. email:
program.intake@usda.gov

This institution is an equal opportunity provider.

The last statement above must be used with the two paragraphs before it **or** if space is a limiting factor on materials, it shall be used on its own.

The CFBNJs have existing agreements in place with all of its distributing and volunteer sites that collaborate to distribute food. The agreement contains the civil rights statement of the six protected class. The CFBNJs regularly monitors their distributing and volunteer sites that certifies and distributes the CSFP foods. The CFBNJ will ensure that each partner distribution site has no discriminatory practices in the distribution of CSFP food. Any questions on non-compliance shall be immediately addressed and appropriate actions will be taken.

The nondiscrimination policies are relayed to clients and potential clients in the following ways:

- The CSFP application contains a nondiscrimination statement.
- The denial notice directs anyone who feels that discrimination has occurred to file a complaint with the Secretary of Agriculture in Washington, DC.
- “And Justice for All” posters will be posted at all program distribution sites.
- Press release, flyers, and any other notifications that are done to educate the public on the availability of CSFP will include a nondiscrimination statement.

Any Civil Right complaints received by the CFBNJ or NJDOH shall be immediately forwarded to USDA.

14.2 Civil Rights Procedures

The following outline shall be used to conduct civil rights training for local and distributing agencies.

TITLE: Civil Rights

AUDIENCE: CFBNJ and Local Agency CSFP Staff and other Sub-recipients

OBJECTIVE: All CFBNJ and Local Agency CSFP staff and other sub-recipients who encounter CSFP applicants/participants shall understand civil rights related laws, regulations, procedures and directives.

CONTENT:

1. Purpose of Training
2. Review Civil Rights Laws
 - Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d to 2000d-6
 - Americans with Disabilities Act of 1973 (28 CFR Part 35, Title II, Subtitle A)
 - Title IX of the Education Amendments of 1872 (20 U.S.C. § 1681 et seq.)
 - Section 504 of the Rehabilitation Act of 1973
 - Age Discrimination Act of 1975 (45 CFR Part 91)
 - Enforcement of Title VI of the Civil Rights Act of 1964
3. Civil Rights Policy
4. Effective Public Notification Systems
 - Program Availability
 - Complaint Information
 - Nondiscrimination Statement
5. Requirements for Reasonable Accommodation of Persons with Disabilities
 - Policy on Program accessibility
 - Nutrition education and other program materials provided in the format referred by the person making request, i.e. large print, audio tapes, captioned videos, Braille text
 - Qualified interpreters for the hearing impaired
6. Requirements for Language Assistance
 - Availability of bilingual staff members or interpreters to serve non-English speaking and/or limited-English speaking person
 - Availability of a commercially available telephonic interpretative service
 - Person under age 16 not allowed to interpret for a client
7. Collection and Use of Data
 - Self-identification and verification requirements
 - Ethnicity - Definition
 - Two question format – Hispanic/Latino or Not Hispanic/Latino
 - Race – Definition
 - Can select more than one
 - American Indian or Alaskan Native Asian or Pacific Islander
 - Black or African American Native Hawaiian or Other Pacific Islander
 - White
 - Languages to use

- Maintaining Data
- Required document storage

8. Complaint Handling and Processing Procedures

- Advise applicants and participants at service delivery point of their right to file a civil rights complaint and provide information on the complaint procedure.
- All complaints alleging discrimination on the basis of race, color, national origin, age, sex or disability, either written or verbal, must be processed.
- Applicant and/or participant must file a complaint within 180 calendar days.
- Complaints are confidential
- CFBNJ and LA must write up the elements of a complaint if the complainant refuses to place allegations in writing. Use the Civil Rights Discrimination Complaint form
- Permanently display Civil Rights Discrimination Complaint forms in easy accessible areas for applicants and participants.
- Maintain a Civil Rights complaint file
- Within five days mail the complaint to the Food and Nutrition Service's Regional Civil Rights Director
- Complaints based on creed/religion are handled by the NJ Department of Law and Public Safety, NOT by USDA. (Refer to Policy and Procedure 11.00)
- Employee complaints of discrimination are handled through the NJ Division of Civil Right NOT USDA. (Refer to Policy and Procedure 11.00)

9. Compliance Reviews

- State CSFP Program is required to conduct monitoring reviews of CFBNJ and LA at least once every two years.
- The CFBNJ is required to conduct monitoring reviews of fifty percent of its distribution sites at least every year.

10. Resolution of Noncompliance

- State CSFP Program shall provide written notice to the local agency indicating the areas of noncompliance and the action required to correct the situation.

15.0 FAIR HEARINGS AND CLAIMS AGAINST PARTICIPANTS

Reference(s): Code of Federal Regulations §247.1
Code of Federal Regulations §250.2

This section describes the fair hearing procedures for the Commodity Supplemental Food Program for the State of New Jersey.

15.1 Description of the Fair Hearing Procedures

All applicants/participants or their parents/guardians must be informed of the right to a Fair Hearing when determined eligible, ineligible or disqualified from the program.

Any person who is denied CSFP will receive a denial notice. The notification shall outline the information needed for a fair hearing and define the rights and responsibilities of all parties. The CFBNJ must utilize the denial notice and all applicants/participants must be informed in writing of their right to a Fair Hearing and the Method to Request a Fair Hearing when:

- a. An applicant is found ineligible at initial certification;
- b. A participant is found ineligible at recertification;
- c. A participant is disqualified from the program; or
- d. An applicant is placed on the waiting list.

Requests for fair hearings must be written, and either the applicant/participant or their representative may request a hearing. The CFBNJ shall not limit or interfere with the applicants/participants right to request a hearing.

Availability of Hearings

- a. During times of increased demand for fair hearings, such as times of budget constraints, the CFBNJ may consider:
 - i. Emphasizing certain aspects of the program at certification. Areas to be discussed should include limited funding for the program, the priority system, the waiting lists and reasons for denial or termination from the program. By describing program policies, the applicant/participant will become aware that certain procedures are required by State or Federal Regulations, thus reducing the number of fair hearing requests.
 - ii. Conducting a preliminary conference with the applicant/participant appealing the decision.
- b. If the applicant/participant still desires a fair hearing, CFBNJ and LA may consider a group hearing. Each month, hearings would be scheduled for the same day. As a group, applicants or participants would receive information on fair hearing procedures, a discussion of their rights and responsibilities, the role of the hearing officer, the timetable for final decisions, and any other pertinent information. Cases would then be discussed on an individual basis.

Time Limit for Requesting a Hearing

Applicants/participants who desire to request a fair hearing must request a hearing within 60 days of the date the CFBNJ gives the written notification of adverse action to deny or terminate benefits.

Denial or Dismissal of Request

The CFBNJ shall not deny or dismiss a request for a hearing unless:

- a. The request is not received within the 60 day time limit;
- b. The request is withdrawn in writing by the applicant/participant or their representative;
- c. The applicant/participant or their representative fails, without good cause, to appear at the scheduled hearing; or
- d. The applicant/participant has been denied participation at a previous hearing and cannot provide evidence that circumstances relevant to program eligibility have changed in such a way as to justify a hearing.

Continuation of Benefits

- a. Participants found ineligible for (or disqualified from the program at any time during the certification period shall be advised in writing fifteen (15) days before termination of eligibility and the reason(s) for ineligibility. If such participants appeal the termination of benefits within the fifteen days advance adverse notice period, they shall continue to receive program benefits until the hearing official reaches a decision or the certification period expires, whichever occurs first.
- b. Applicants found ineligible for the program at initial certifications shall not receive benefits while awaiting the hearing.
- c. Participants who are dually participating in the program will be immediately disqualified from one of the programs/clinics; they are not entitled to receive continued benefits from that program/clinic.

Rules of Procedure

- a. The CFBNJ shall process each request for a hearing using uniform rules and procedure.
- b. The uniform rules of procedure shall be available for public inspection and copying.
- c. At a minimum, the uniform rules of procedure shall include:
- d. The time limits for requesting and conducting a hearing;
- e. All advance notice requirements;
- f. The rules of conduct at the hearing; and
- g. The rights and responsibilities of the applicant/participant.
- h. The procedures shall not be unduly complex or legalistic.

Hearing Official

- a. Hearings shall be conducted by an impartial official who does not have any personal stake or involvement in the decision and who was not directly involved in the initial determination of the action being contested.
- b. The hearing official shall:
- c. Administer oaths of affirmations if required by the CFBNJ;
- d. Ensure that all relevant issues are considered;

- e. Request, receive and make part of the hearing record all evidence determined necessary to decide the issues being raised;
- f. Regulate the conduct and cause of the hearing consistent with due process to ensure an orderly hearing;
- g. Order, where relevant and necessary, an independent medical assessment or professional evaluation from a source mutually satisfactory to the applicant/participant and the CFBNJ; and
- h. Render a hearing decision based exclusively on the hearing record which will resolve the dispute.

Conduct of the Hearing

- a. The hearing shall be accessible to the applicant/participant.
- b. The hearing shall be conducted within three (3) weeks from the date the CFBNJ received the request for a hearing.
- c. The CFBNJ shall provide the applicant/participant with a minimum of ten (10) days advance written notice of the time and place of the hearing.
- d. A copy of the Participant Notification shall be included with the above written notice.
- e. The CFBNJ shall provide the applicant/participant or their representative, an opportunity to:
 - i. Examine, prior to and during the hearing, the evidence presented to support the decision under appeal;
 - ii. Be assisted or represented by an attorney at the applicant's/participant's own expense) or other person;
 - iii. Bring witnesses;
 - iv. Advance arguments without undue interference;
 - v. Question or refute any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses; and
 - vi. Submit evidence to establish all pertinent facts and circumstances in the case.

Hearing Decisions

- a. Decisions of the hearing official shall comply with Federal law, regulations or policy and shall be factually based on the hearing record.
- b. The verbatim transcript or recording of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceeding shall constitute the exclusive record for a final decision by the hearing official. This record shall be retained in accordance with Section 246.25 and shall be available for copying or inspection, to the applicant/participant or their representative at any reasonable time.
- c. The decision by the hearing official shall be binding on the CFBNJ and shall summarize the facts of the case, specify the reasons for the decision, identify the supporting evidence and the pertinent regulations or policy. The decision shall become a part of the record.
- d. Within 45 days of the request for the hearing, the applicant/participant or representative shall be notified in writing of the decision and the reasons for the decision. If the decision is in favor of the applicant/participant, benefits shall begin or be reinstated within this time period. However, if the decision is in favor of the agency, as soon as administratively feasible any continued benefits shall be terminated as decided by the hearing official.

- e. All CFBNJ hearing records shall be available for public inspection and copying, subject to the disclosure safeguards provided in Section 246.9(k) and provided the names and addresses of the applicants/participants are kept confidential.

Appeal of Unfavorable Fair Hearing Decision to State Agency

- a. If the decision of the local hearing official is unfavorable to the applicant/participant, the CFBNJ shall provide the individual with verbal and written notice of the State Agency (SA) Hearing Appeal Process.
- b. Appeals of CFBNJ hearing decisions must be made verbally or in writing to the SA within fifteen (15) days of the mailing date of the hearing decision notice.
- c. The applicant/participant shall not continue to receive benefits while an appeal is pending.
- d. The SA hearing will be conducted according to the USDA Federal Regulations 247.6.

Appeal to State Agency -

- a. Participants who are being disqualified for misrepresenting their circumstances in order to obtain benefits and who are required to pay back, in cash, the value of the over-issued food benefits may request a hearing at the SA.
- b. The participant has 30 days to request a hearing. If full restitution is not made or a repayment schedule is not agreed upon within 30 days, the SA must take additional collection actions unless the SA determines that further collections actions would not be cost effective.
- c. Generally, under New Jersey Law, an AR who is under 18 is not liable to pay back benefits that were improperly issued. If cases involving minors occur, the SA can check with the DOH Legal Counsel for guidance concerning possible exceptions.
- d. Failure to pay a claim may result in the participant's disqualification for one year.
- e. The hearing will be held before the New Jersey Department of Health Appeals Board.
- f. The hearing will be conducted in conformance with section 247.6 of the USDA Regulations.

Judicial Review

If the SA decision upholds the CFBNJ action and the applicant/participant wishes to pursue a higher review of the decision, the SA shall explain to the individual the right to pursue a judicial review of the decision.