

## 509.407-3 Procedures.

(a) *General.* The procedures in [509.406-3](#) apply to suspension actions except as noted in paragraph (b) of this section.

(b) *Fact-finding.*

(1) Fact-finding will not be conducted in an action:

(i) Based on an indictment.

(ii) When the Suspension and Debarment Official finds no genuine dispute of material facts.

(2) If the action is not based on an indictment, the Suspension and Debarment Official must coordinate with the Department of Justice or state prosecutorial authority through OIG. Based on the advice received, the Suspension and Debarment Official will determine if fact-finding would impair substantial interests of the Federal or state Government. In an action not based on an indictment, a suspended party may:

(i) Identify to the Suspension and Debarment Official material facts in dispute and the bases.

(ii) Request review and a written finding by a fact-finding official to resolve genuine disputes of material fact. For procedures involving a genuine dispute of material fact, see [509.406-3\(d\)\(3\)](#).

**Parent topic:** [509.407 Suspension.](#)