



**STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES**

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BILL LEE
GOVERNOR

DANIELLE W. BARNES
COMMISSIONER

March 18, 2019

Greg Cullum, Board Chair
YMCA of Metropolitan Chattanooga
301 West Sixth Street
Chattanooga, Tennessee 37402-1108

Dear Mr. Cullum,

The Department of Human Services (DHS) - Division of Audit Services staff conducted an unannounced on-site monitoring review of the Child and Adult Care Food Program (CACFP) at YMCA of Metropolitan Chattanooga (Sponsor), Application Agreement number 00-082, beginning on January 30, 2019. The purpose of this review was to determine if the Sponsor complied with the *Title 7 of the Code of Federal Regulations* (CFR) applicable parts, provider agreement, and applicable Federal and State regulations.

Based on our review of the Sponsor's records and information provided, the Sponsor had one childcare center and 76 at-risk sites operating during the review period. The **Downtown Preschool** childcare center was monitored. The Bess T. Shepherd Elementary School (**Bess T. Shepherd**), **Bethlehem Center**, Calvin Donaldson Elementary School (**Calvin Donaldson**), Chattanooga Charter School: 23rd Street (**Chattanooga Charter**), Clifton Hills Elementary School (**Clifton Hills**), Dalewood Middle School (**Dalewood**), **Finley Stadium, Girls, Inc.**, Hixson Middle School (**Hixson**), **Northside Neighborhood House**, and Red Bank Elementary School (**Red Bank**) at-risk sites were selected as sample sites for monitoring.

Background

CACFP Sponsors utilize meal count sheets to record the number of breakfast, lunch, supper, and supplement meals served. Meals served by participating Sponsors must meet the minimum guidelines set by the United States Department of Agriculture (USDA) and DHS to be eligible for reimbursement. The CACFP Sponsor reports the number of meals served through the DHS Tennessee Information Payment System (TIPS) for reimbursement.

We inspected meal counts sheets for our test period and reconciled the meals claimed to the meals reported as served for each meal service. We also assessed compliance with civil rights requirements. In addition, meal services were observed during our on-site visits made during the test period.

Our review of the Sponsor's records for November 2018 disclosed the following:

1. The Sponsor reported the number of participants in the free, reduced-price, and paid categories incorrectly

Condition

Based on our review of the Claim for Reimbursement for November 2018, at the **Downtown Preschool**, we noted that the Sponsor reported 14 participants in the free category, eight (8) participants in the reduced-price category, and 47 participants in the paid category. However, based on our review of the available records, we determined that there were eight (8) participants in the free category, eight (8) participants in the reduced-price category, and 53 participants in the paid category.

The differences were based on the following:

- There were two (2) participants that were incorrectly classified on the applications and reported in the paid category that were determined to be eligible for the reduced-price category. These participants were reclassified as reduced-price.
- There was one (1) participant that was incorrectly classified on the application and reported in the free category that was determined to be eligible for reduced-price. This participant was reclassified as reduced-price.
- There was one (1) participant that was incorrectly classified on the application and reported in the reduced-price category determined to be eligible for paid status. This participant was reclassified as paid.
- There was one (1) participant that was incorrectly classified on the applications and reported in the free category that did not meet categorically or income eligible requirements. This participant was reclassified as paid.
- There were four (4) participants reported in the free category and two (2) participants reported in the reduced-price category whose applications were not signed and/or dated by the determining official. These participants were reclassified as paid.

As a result, the Sponsor overreported the number of participants in the free category by six (6) and underreported the number of participants in the paid category by six (6) participants. (See Exhibit A)

Criteria

Title 7 of the Code of Federal Regulations, Section 226.10(c) states, "... In submitting a Claim for Reimbursement, each institution shall certify that the claim is correct and that records are available to support that claim ..."

Title 7 of the Code of Federal Regulations, Section 226.15(e)(2) states, "All types of centers, except for emergency shelters and at-risk afterschool care centers, must maintain information used to determine eligibility for free or reduced-price meals in accordance with §226.23(e)(1). For child care centers, such documentation of enrollment must be updated annually, signed by a parent or legal guardian, and include information on each child's normal days and hours of

care and the meals normally received while in care.”

Recommendation

The Sponsor should ensure that each participant is classified and reported accurately based on categorical or income eligibility.

2. The Sponsor reported meal counts incorrectly

Condition

Downtown Preschool - sample center

Based on our review of the Claim for Reimbursement for **Downtown Preschool** for November 2018, the Sponsor reported 677 breakfast meals, 1,094 lunch meals, and 1,048 supplements served. However, based on our review of the available documents, we noted that there were 676 breakfast meals, 1,099 lunch meals, and 1,047 supplements served, prior to any meal disallowances.

As a result, one (1) breakfast meal and one (1) supplement were overreported, and five (5) lunch meals were underreported. (See Exhibit A)

Clifton Hills - at-risk sample site

Based on our review of the Claim for Reimbursement for **Clifton Hills** for November 2018, the Sponsor reported 385 supper meals served. However, based on our review of the available documents, we noted that there were 594 supper meals served, prior to any meal disallowances.

As a result, 209 supper meals were underreported. (See Exhibit G)

Hixson- at-risk sample site

Based on our review of the Claim for Reimbursement for **Hixson** for November 2018, the Sponsor reported 691 supper meals served. However, based on our review of the available documents, we noted that there were 701 supper meals served, prior to any meal disallowances.

As a result, ten (10) supper meals were underreported. (See Exhibit K)

Criteria

Title 7 of the Code of Federal Regulations, Section 226.10(c) states, “... In submitting a Claim for Reimbursement, each institution shall certify that the claim is correct and that records are available to support that claim...”

Recommendation

The Sponsor should ensure that claims for reimbursement are completed correctly and based on accurate supporting documents.

3. The Sponsor did not provide meal count sheets to support meals claimed for reimbursement

Condition

Calvin Donaldson – at-risk sample site

During our on-site monitoring visit on January 30, 2019, the Sponsor provided meal count sheets showing “Dates: 11/8 – 11/10/18” and signed and dated by the site supervisor on December 18, 2018 for the **Calvin Donaldson** feeding site. The meal count sheets reported 12 supper meals served on Tuesday and 11 supper meals served on Thursday. November 8, 2018, was a Thursday and November 10, 2018, was a Saturday, when the at-risk feeding site was not operating. Also, the attendance provided for that week did not support the number of meals reported.

As a result, 23 supper meals claimed for reimbursement were disallowed. (See Exhibit E)

Red Bank – at-risk sample site

During our on-site monitoring visit on January 30, 2019, the Sponsor provided meal count sheets for two weeks showing “Dates: 10/28 – 11/2/2018” and “Dates: 11/5-9/18” for the **Red Bank** feeding site. The meal count sheets documented 15 supper meals served on November 5, 2018 and no other meal counts were documented.

As a result, 297 supper meals claimed for reimbursement were disallowed. (See Exhibit M)

Criteria

Title 7 of the Code of Federal Regulations, Section 226.10(c) states, “... In submitting a Claim for Reimbursement, each institution shall certify that the claim is correct and that records are available to support that claim ...”

Recommendation

The Sponsor should ensure that all meal count sheets are verified for accuracy and claim meals based on the meal count sheets that show meals eligible for reimbursement were served.

4. The Sponsor provided a meal that did not meet USDA meal pattern requirements during an observed meal

Condition

During our on-site monitoring visit on November 2, 2019 at **Clifton Hills**, we observed a supper meal service. The supper meal served included Jammer soy butter and jelly sandwich on whole grain bread, carrots, an orange, and milk. The sandwich contained one ounce of protein, however, two ounces of protein was required.

As a result, 30 supper meals claimed for reimbursement were disallowed. (See Exhibit G)

Criteria

Title 7 of the Code of Federal Regulations, Section 226.17a (l) states, "At-risk afterschool snacks must meet the meal pattern requirements for snacks in §226.20(b)(6) and/or (c)(4); at-risk afterschool meals must meet the meal pattern requirements for meals in §226.20(b)(6) and/or (c)(1), (c)(2), or (c)(3)."

Title 7 of the Code of Federal Regulations, Section 226.20(c)(2) states, "Fluid milk, meat and meat alternatives, vegetable, fruits, and grains are required components in the lunch and supper meals."

Recommendation

The Sponsor should claim meals for reimbursement that meet the USDA meal pattern requirements.

5. The Sponsor provided meals that were taken off-site and no meals were consumed at the feeding site during an observed meal

Condition

Calvin Donaldson – at-risk sample site

During our on-site monitoring visit at **Calvin Donaldson** on November 27, 2018, participants were served meals then left the site. The participants did not eat the meal on site.

As a result, 27 suppers claimed for reimbursement were disallowed. (See Exhibit E)

Red Bank – at-risk sample site

During our on-site monitoring visit at **Red Bank** on November 5, 2018, participants were served meals then left the site. The participants did not eat the meal on site.

As a result, 15 suppers meals claimed for reimbursement were disallowed. (See Exhibit M)

Criteria

The USDA policy memorandum, CACFP 10-2017 Taking Food Components Offsite in the At-Risk Afterschool Component of CACFP states, "... meals must be consumed on-site in order for the meal to be reimbursable..."

Recommendation

The Sponsor should ensure that feeding site staff is trained in the requirements of the program to ensure that all meals are consumed at the approved feeding site to be claimed for reimbursement.

6. The Sponsor's documented number of meals exceeded verified attendance

Condition

During our on-site monitoring visit on January 30, 2019, we requested documentation of meal counts and attendance. Based on our review of the documentation provided, we noted that the number of reported suppers exceeded the number attendance, See list below:

Feeding Site	Date	Reported Suppers	Attendance	Suppers Disallowed	Exhibit
Bess T. Shepherd	11/5/18	36	33	3	C
	11/9/18	29	26	3	
Chattanooga Charter	11/1/18	30	19	11	F
	11/2/18	30	21	9	
	11/5/19	25	0	25	
	11/6/18	19	0	19	
	11/7/18	11	0	11	
	11/8/18	11	0	11	
	11/9/18	10	0	10	
	11/12/18	20	22	2	
Clifton Hills	11/1/18	40	0	40	G
	11/5/18	38	26	12	
	11/6/18	35	24	11	
	11/7/18	37	27	10	
	11/8/18	41	28	13	
	11/9/18	35	24	11	
	11/20/18	28	27	1	
	11/28/18	29	27	2	
Finley Stadium (observed)	11/28/18	103	110	7	I
Girls, Inc.	11/26/18	29	23	6	J
	11/28/18	29	28	1	
Hixson	11/6/18	50	47	3	K
	11/7/18	54	53	1	

As a result, 222 suppers claimed for reimbursement were disallowed. (See Exhibits)

Criteria

Title 7 of the Code of Federal Regulations, Section 226.10(c) states, "...In submitting a Claim for Reimbursement, each institution shall certify that the claim is correct and that records are available to support that claim."

Recommendation

The Sponsor should ensure that all participants are recorded as present only for their actual days of attendance.

This is a repeat finding from a previous report dated July 8, 2016.

7. The Sponsor did not complete monitoring of feeding sites as required

Condition

During our on-site monitoring visit on January 30, 2019, we requested documentation of monitoring completed by the Sponsor over the last 12 months for the sample feeding sites and center. The Sponsor provided monitoring documentation with errors as follows:

- Monitoring documentation was not provided for **Clifton Hills, Dalewood, Finley Stadium, and Red Bank** at-risk sites and the **Downtown Preschool** center.
- Monitoring forms provided for **Calvin Donaldson, Chattanooga Charter, Hixson, and Northside Neighborhood House** were not adequate to provide evidence that monitoring was completed as required. A pre-operational monitoring form was provided for **Calvin Donaldson** that was used during the Summer Food Service Program and no additional documentation was provided to support any additional monitoring had been completed. The Sponsor provided documentation supporting monitoring had been completed only one time in the past 12 months for **Chattanooga Charter, Hixson, and Northside Neighborhood House**.
- Monitoring forms used by the Sponsor to conduct program reviews were from the Summer Food Service Program for **Bess T. Shepherd, Bethlehem Center, Calvin Donaldson, Clifton Hills, Girls, Inc., and Northside Neighborhood House**. The documentation provided supported that the Sponsor was conducting monitoring, but many of the review elements required were missing on these documents.

This is a repeat finding from a previous report dated July 8, 2016.

Criteria

Title 7 of the Code of Federal Regulations, Section 226.16(d)(4)(ii) states, "Reviews must examine the meal counts recorded by the facility for five consecutive days during the current and/or prior claiming period...."

Title 7 of the Code of Federal Regulations, Section 226.16(d)(4)(iii) states, "Sponsoring organizations must review each facility three times each year, except as described in paragraph (d)(4)(iv) of this section. In addition: (A) At least two of the three reviews must be unannounced; (B) At least one unannounced review must include observation of a meal service; (C) At least one review must be made during each new facility's first four weeks of Program operations; and (D) Not more than six months may elapse between reviews."

Recommendation

The Sponsor should ensure that the required monitoring of feeding sites is completed properly and timely.

8. The Sponsor did not have the "And Justice for All Poster" displayed at sites during our monitoring visits

Condition

During our on-site monitoring visit at **Chattanooga Charter School** on November 14, 2018 and at **Girls, Inc.** on November 15, 2018, the "And Justice for All" poster was not displayed at the site.

Criteria

Food & Nutrition Service (FNS) Instruction 113-1(IX)(B) states, "Each State agency, local agency, or other subrecipient serving the public must take the actions below to inform the

general public, potentially eligible populations, community leaders, grassroots organizations, and referral sources about FNS programs and applicable CR requirements. 1) Prominently display the USDA nondiscrimination poster "And Justice for All," or an FNS approved substitute, except in family day care homes. If a State agency elects to produce its own posters, either due to unavailability from USDA/FNS or State agency preference, the reproduction must be approximately the same size as the applicable "And Justice for All" poster (11" width and 17" height)."

Recommendation

The Sponsor should ensure the posters are displayed in the center and are compliant with civil rights and CACFP regulations.

Note: Our observation of the meals service for the feeding site below revealed no significant deficiencies: **Bess T. Shepherd** on November 8, 2018; **Bethlehem Center** on November 20, 2018; **Dalewood** on November 26, 2018; **Downtown Preschool** on November 6, 2108; **Finley Stadium** on November 28, 2018; **Hixson** on November 13, 2018; and **Northside Neighborhood House** on November 16, 2018.

Technical Assistance Provided

Technical assistance was provided during our on-site visits regarding serving meals on site, leftover storage, accurately identifying site supervisors in the TIPS system, ensuring the required postings are visible, and use of the revised income eligibility forms in the preschool. Technical assistance regarding developing a monitoring schedule was provided during the sponsor visit.

Disallowed Meals Cost

Based on the review, we determined that the Sponsor's noncompliance with the applicable Federal and State regulations that govern the CACFP resulted in a total disallowed cost of \$1,836.37.

Corrective Action

The Sponsor must complete the following actions within 30 days from the date of this report:

- Log into the Tennessee Information Payment System (TIPS) and revise the claim submitted for November 2018, which contains the verified claim data from the enclosed exhibits. ***Please note that, if the claim is revised,*** TIPS will automatically deduct the overpayment from your next CACFP claim for reimbursement. **OR**
- If you are no longer participating in the CACFP program, remit a check payable to the ***Tennessee Department of Human Services*** in the amount noted in the report for recovery of the amounts disallowed in this report. ***Please return the attached billing notice with your check;*** and
- Prepare and submit a corrective action plan to address the deficiencies identified in this report. The corrective action plan template is attached. Please return the corrective action plan to:

AuditServices.CAPS.DHS@tn.gov

If you have questions relative to the corrective action plan please contact:

Allette Vayda, Director of Operations
Child and Adult Care Food Program
James K. Polk Building, 15th Floor
505 Deaderick Street
Nashville, Tennessee 37243
Allette.Vayda@tn.gov
(615) 313-3769

Please note that the amount of disallowed cost is subject to an interest charge. The interest charge will be waived if your revised claim within 30 days from the date of this report. If the revised claim is not completed by the 30-day deadline, an interest charge may be billed to your institution. Please mail your check and the billing notice to:

Child and Adult Care Food Program
Fiscal Services
James K. Polk Building, 16th Floor
505 Deaderick Street
Nashville, Tennessee 37243

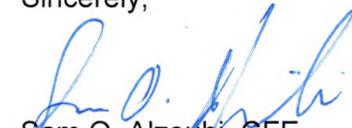
In accordance with the federal regulation found at *7 CFR Part 226.6 (k)*, your institution may appeal the amount of disallowed cost identified in this monitoring report. The procedures for submitting an appeal are enclosed. The appeal must be submitted to:

Tennessee Department of Human Services
Appeals and Hearings Division, Clerk's Office
P.O. Box 198996
Nashville, TN 37219

If the Institution decides to appeal the amount of disallowed administrative and meals cost, all appeal procedures must be followed as failure to do so may result in the denial of your request for an appeal.

We appreciate the assistance provided during this review. If you have any questions regarding this report, please contact Sean Baker, Audit Director 2, at 615-313-4727 or Sean.Baker@tn.gov.

Sincerely,


Sam O. Alzoubi, CFE
Director of Audit Services

Exhibits

cc: Janet Dunn, President/CEO, YMCA of Metropolitan Chattanooga
Laura Horne, Senior Program Director, YMCA of Metropolitan Chattanooga
Allette Vayda, Director of Operations, Child and Adult Care Food Programs
Debra Pasta, Program Manager, Child and Adult Care Food Program
Elke Moore, Administrative Services Assistant 3, Child and Adult Care Food Program
Marty Widner, Program Specialist, Child and Adult Care Food Program
Comptroller of the Treasury, State of Tennessee

Exhibit A

Affiliated Center Data

Name of Center: Downtown Preschool
Review Month/Year: November 2018
Total Meal Reimbursement Received: \$2,396.07

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Days of CACFP Food Service	20	20
Total Attendance	1,380	1,099
Number of Breakfasts Served	677	676
Number of Lunches Served	1,094	1,099
Number of Supplements Served	1,048	1,047
Number of Participants in Free Category	14	8
Number of Participants in Reduced-Price Category	8	8
Number of Participants in Paid Category	47	53
Total Number of Participants	69	69
Total Amount of Food Costs	XXXXXXXX	891.49
Total Amount of Eligible Food and Nonfood Costs	XXXXXXXX	891.49

Exhibit B**Sponsor of At-Risk Afterschool Meals Program Data for the Sampled Sites****Sponsor: YMCA of Metropolitan Chattanooga****Review Month/Year: November 2018****Total Reimbursement: \$67,597.60**

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Days of CACFP Food Service	19	19
Number of Sites	76	76
Number of Lunches Served	227	227
Number of Suppers Served	17,829	17,434
Number of Supplements Served	1,311	1,311
Total Amount of Food Costs	XXXXXXXX	52,466.28
Total Amount of Eligible Food and Nonfood Costs	XXXXXXXX	15,520.54

Exhibit C**At-Risk Afterschool Site Data****Site: Bess T. Shepherd**

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Days of CACFP Food Service	18	18
Total Attendance	546	542
Number of Suppers Served	546	540

Exhibit D**At-Risk Afterschool Site Data****Site: Bethlehem Center**

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Days of CACFP Food Service	11	11
Total Attendance	754	812
Number of Suppers Served	574	574

Exhibit E

At-Risk Afterschool Site Data

Site: Calvin Donaldson

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Days of CACFP Food Service	9	12
Total Attendance	277	317
Number of Suppers Served	277	227

Exhibit F

At-Risk Afterschool Site Data

Site: Chattanooga Charter

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Days of CACFP Food Service	13	10
Total Attendance	314	209
Number of Suppers Served	288	190

Exhibit G

At-Risk Afterschool Site Data

Site: Clifton Hills

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Days of CACFP Food Service	18	18
Total Attendance	385	464
Number of Suppers Served	385	464

Exhibit H

At-Risk Afterschool Site Data

Site: Dalewood

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Days of CACFP Food Service	11	11
Total Attendance	205	205
Number of Suppers Served	205	205

Exhibit I

At-Risk Afterschool Site Data

Site: Finley Stadium

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Days of CACFP Food Service	3	3
Total Attendance	586	589
Number of Suppers Served	420	413

Exhibit J

At-Risk Afterschool Site Data

Site: Girls, Inc.

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Days of CACFP Food Service	15	14
Total Attendance	475	373
Number of Suppers Served	358	351

Exhibit K

At-Risk Afterschool Site Data

Site: Hixson

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Days of CACFP Food Service	16	15
Total Attendance	701	701
Number of Suppers Served	691	697

Exhibit L

At-Risk Afterschool Site Data

Site: Northside Neighborhood House

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Days of CACFP Food Service	19	19
Total Attendance	508	508
Number of Suppers Served	499	499

Exhibit M

At-Risk Afterschool Site Data

Site: Red Bank

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Days of CACFP Food Service	19	1
Total Attendance	15	15
Number of Suppers Served	312	0



**STATE OF TENNESSEE
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BILL LEE
GOVERNOR

DANIELLE W. BARNES
COMMISSIONER

March 18, 2019

Greg Cullum, Chairman of the Board
YMCA of Metropolitan Chattanooga
301 West Sixth Street
Chattanooga, Tennessee 37402-1108

Notice of payment due to findings disclosed in the monitoring report for Child and Adult Care Food Program (CACFP)

Institution Name:	YMCA of Metropolitan Chattanooga
Institution Address:	301 West 6 th Street; Chattanooga, TN 37402-1108
Agreement Numbers:	00-082
Amount Due:	\$1,836.37
Due Date:	April 18, 2019

Based on the monitoring report issued by the Division of Audit Services within the Tennessee Department of Human Services, the Community and Social Services- Food Programs- CACFP & SFSP management has agreed with the findings which require your institution to reimburse the Department of Human Services the disallowed cost noted in the report

Please remit a check or money order payable to the *Tennessee Department of Human Services* in the amount noted above by the due date to:

**Fiscal Services 16th Floor
James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243
Tennessee Department of Human Services**

Please note that the disallowed meals cost / overpayment of the CACFP is subject to an interest charge. The interest charge will be waived if the payment is received by the due date. If payment is not received by the end of 5th day of the due date, an interest charge may be added to the original amount due and will be billed to your entity.

If you have any questions regarding this notice, please feel free to contact Allette Vayda, Director of Operations at (615) 313-3769 or Allette.Vayda@tn.gov.

Thank you for your attention



Corrective Action Plan for Monitoring Findings

Instructions: Please print in ink or type the information to complete this document. Enter the date of birth for each Responsible Principal and/or Individual in Section B. Attach the additional documentation requested. Enter your name, title and date of signature on the last page. Please sign your name in ink.

Please return ALL pages of the completed Corrective Action Plan form.

Section A. Institution Information

Name of Sponsor/Agency/Site: YMCA of Metropolitan Chattanooga	Agreement No. 00082	<input type="checkbox"/> SFSP <input checked="" type="checkbox"/> CACFP
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Mailing Address: 301 West Sixth Street Chattanooga, TN 37402

Section B. Responsible Principal(s) and/or Individual(s)

Name and Title: Greg Cullum, Board Chair	Date of Birth: / /
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Section C. Dates of Issuance of Monitoring Report/Corrective Action Plan

Monitoring Report: 3/18/2019	Corrective Action Plan: 3/18/2019
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Section D. Findings

Findings:

1. The Sponsor reported the number of participants in the free, reduced-price, and paid categories incorrectly
2. The Sponsor reported meal counts incorrectly
3. The Sponsor did not provide meal count sheets to support meals claimed for reimbursement
4. The Sponsor provided a meal that did not meet USDA meal pattern requirements during an observed meal
5. The Sponsor provided meals that were taken off-site and no meals were consumed at the feeding site during an observed meal
6. The Sponsor's documented number of meals exceeded verified attendance
7. The Sponsor did not complete monitoring of feeding sites as required
8. The Sponsor did not have the "All Justice for All Poster" displayed at sites during our monitoring visits

The following measures will be completed within **30 calendar days** of my institution's receipt of this corrective action plan:

Measure No. 1: The Sponsor reported the number of participants in the free, reduced-price, and paid categories incorrectly

The finding will be fully and permanently corrected.

Identify the name(s) and position title(s) of the employee(s) who will be responsible for ensuring that the finding is fully and permanently corrected:

Name: _____ Position Title: _____

Name: _____ Position Title: _____

Describe below the **step-by-step** procedures that will be implemented to correct the finding:

When will the procedures for addressing the finding be implemented? Provide a timeline below for implementing the procedures (i.e., will the procedures be done daily, weekly, monthly, or annually, and when will they begin?):

Where will the Corrective Action Plan documentation be retained? Please identify below:

How will new and current staff be informed of the new policies and procedures to address the finding (e.g., Handbook, training, etc.)? Please describe below:

Measure No.2: The Sponsor reported meal counts incorrectly

The finding will be fully and permanently corrected.

Identify the name(s) and position title(s) of the employee(s) who will be responsible for ensuring that the finding is fully and permanently corrected:

Name: _____ Position Title: _____

Name: _____ Position Title: _____

Describe below the **step-by-step** procedures that will be implemented to correct the finding:

When will the procedures for addressing the finding be implemented? Provide a timeline below for implementing the procedures (i.e., will the procedures be done daily, weekly, monthly, or annually, and when will they begin?):

Where will the Corrective Action Plan documentation be retained? Please identify below:

How will new and current staff be informed of the new policies and procedures to address the finding (e.g., Handbook, training, etc.)? Please describe below:

Measure No. 3: The Sponsor did not provided meal count sheets to support meals claimed for reimbursement

The finding will be fully and permanently corrected.
Identify the name(s) and position title(s) of the employee(s) who will be responsible for ensuring that the finding is fully and permanently corrected:

Name: _____ Position Title: _____

Name: _____ Position Title: _____

Describe below the **step-by-step** procedures that will be implemented to correct the finding:

When will the procedures for addressing the finding be implemented? Provide a timeline below for implementing the procedures (i.e., will the procedures be done daily, weekly, monthly, or annually, and when will they begin?):

Where will the Corrective Action Plan documentation be retained? Please identify below:

How will new and current staff be informed of the new policies and procedures to address the finding (e.g., Handbook, training, etc.)? Please describe below:

Measure No. 4: The Sponsor provided a meal that did not meet USDA meal pattern requirements during an observed meal

The finding will be fully and permanently corrected.
Identify the name(s) and position title(s) of the employee(s) who will be responsible for ensuring that the finding is fully and permanently corrected:

Name: _____ Position Title: _____

Name: _____ Position Title: _____

Describe below the **step-by-step** procedures that will be implemented to correct the finding:

When will the procedures for addressing the finding be implemented? Provide a timeline below for implementing the procedures (i.e., will the procedures be done daily, weekly, monthly, or annually, and when will they begin?):

Where will the Corrective Action Plan documentation be retained? Please identify below:

How will new and current staff be informed of the new policies and procedures to address the finding (e.g., Handbook, training, etc.)? Please describe below:

Measure No. 5: The Sponsor provided meals that were taken off-site and no meals were consumed at the feeding site during an observed meal

The finding will be fully and permanently corrected.

Identify the name(s) and position title(s) of the employee(s) who will be responsible for ensuring that the finding is fully and permanently corrected:

Name:

Position Title:

Name:

Position Title:

Describe below the **step-by-step** procedures that will be implemented to correct the finding:

When will the procedures for addressing the finding be implemented? Provide a timeline below for implementing the procedures (i.e., will the procedures be done daily, weekly, monthly, or annually, and when will they begin?):

Where will the Corrective Action Plan documentation be retained? Please identify below:

How will new and current staff be informed of the new policies and procedures to address the finding (e.g., Handbook, training, etc.)? Please describe below:

Measure No.6: The Sponsor’s documented number of meals exceeded verified attendance

The finding will be fully and permanently corrected.
Identify the name(s) and position title(s) of the employee(s) who will be responsible for ensuring that the finding is fully and permanently corrected:

Name:

Position Title:

Name:

Position Title:

Describe below the **step-by-step** procedures that will be implemented to correct the finding:

When will the procedures for addressing the finding be implemented? Provide a timeline below for implementing the procedures (i.e., will the procedures be done daily, weekly, monthly, or annually, and when will they begin?):

Where will the Corrective Action Plan documentation be retained? Please identify below:

How will new and current staff be informed of the new policies and procedures to address the finding (e.g., Handbook, training, etc.)? Please describe below:

Measure No. 7: The Sponsor did not complete monitoring of feeding sites as required

The finding will be fully and permanently corrected.

Identify the name(s) and position title(s) of the employee(s) who will be responsible for ensuring that the finding is fully and permanently corrected:

Name:

Position Title:

Name:

Position Title:

Describe below the **step-by-step** procedures that will be implemented to correct the finding:

When will the procedures for addressing the finding be implemented? Provide a timeline below for implementing the procedures (i.e., will the procedures be done daily, weekly, monthly, or annually, and when will they begin?):

Where will the Corrective Action Plan documentation be retained? Please identify below:

How will new and current staff be informed of the new policies and procedures to address the finding (e.g., Handbook, training, etc.)? Please describe below:

Measure No. 8: The Sponsor did not have the “And Justice for All Poster” displayed at sites during our monitoring visits

The finding will be fully and permanently corrected.

Identify the name(s) and position title(s) of the employee(s) who will be responsible for ensuring that the finding is fully and permanently corrected:

Name:

Position Title:

Name:

Position Title:

Describe below the **step-by-step** procedures that will be implemented to correct the finding:

When will the procedures for addressing the finding be implemented? Provide a timeline below for implementing the procedures (i.e., will the procedures be done daily, weekly, monthly, or annually, and when will they begin?):

Where will the Corrective Action Plan documentation be retained? Please identify below:

How will new and current staff be informed of the new policies and procedures to address the finding (e.g., Handbook, training, etc.)? Please describe below:

I certify by my signature below that I am authorized by the institution to sign this document. As an authorized representative of the institution, I fully understand the corrective measures identified above and agree to fully implement these measures within the required time frame. I also understand that failure to fully and permanently correct the findings in my institution's CACFP or SFSP will result in its termination from the program, and the placement of the institution and its responsible principals on the National Disqualified List maintained by the U.S. Department of Agriculture.

Printed Name of Authorized Institution Official:

Position:

Signature of Authorized Institution Official: _____

Date: / /

Signature of Authorized TDHS Official: _____

Date: / /

APPEAL PROCEDURES FOR CHILD AND ADULT CARE INSTITUTIONS AND SPONSORING AGENCIES

Appeal Procedures

1. Pursuant to 7 CFR §226.6(k)(4), the TN Department of Human Services (TDHS) must provide administrative review procedures to institutions and responsible principals and responsible individuals as follows:

- (a) Annually to all institutions;
- (b) To an institution and to each responsible principal and responsible individual when the State agency takes any action subject to an administrative review as described in 7 CFR §226.6(k)(2); and
- (c) Any other time upon request.

2. Pursuant to 7 CFR 226.6(k)(3) and (k)(9), some administrative actions are not subject to administrative review. Those actions are listed in paragraph 2.(a). Other administrative actions may be administratively appealed. Those actions are listed in paragraph 2.(b) and (c). All institutions and sponsoring agencies may appeal any adverse administrative action listed in paragraph 2.(b) which are taken by the TDHS by requesting a fair hearing to appear in person to refute the action, or by requesting a review of written information in lieu of a fair hearing.

(a) Pursuant to 7 CFR Part 226.6 (k)(3) TDHS is prohibited from offering administrative reviews of the following actions:

- (i) FNS decisions on claim deadline exceptions and requests for upward adjustments to a claim.
- (ii) Determination of serious deficiency.
- (iii) State agency determination that corrective action is inadequate.
- (iv) Disqualification and placement on State agency list and National disqualified list.
- (v) Termination.
- (vi) State agency or FNS decision regarding removal from the National disqualified list.
- (vii) State agency's refusal to consider an application submitted by an institution or facility on the National disqualified list.

(b) Pursuant to 7 CFR Part 226.6(k)(9), an abbreviated appeal process is available for the following actions. TDHS must limit the administrative review to a review of written submissions by the TDHS and institutions or sponsoring agencies concerning the accuracy of the State agency's determination if the application was denied, or the State agency proposes to terminate the institution's agreement because:

- (viii) The information submitted on the application was false;
- (ix) The institution, one of its sponsored facilities, or one of the principals of the institution or its facilities is on the national disqualified list;
- (x) The institution, one of its sponsored facilities, or one of the principals of the institution or its facilities is ineligible to participate in any other publicly funded program by reason of violation of the requirements of the program;

- (xi) The institution, one of its sponsored facilities, or one of the principals of the institution or its facilities has been convicted for any activity that indicates a lack of business integrity;

(c) Administrative review is also available if the State agency notifies the institution and responsible principal or responsible individual of the following actions: proposed disqualification of a responsible principal or responsible individual, denial of a budget, denial of a line item within a budget, downward adjustment of the amount approved in a budget, suspension of an institution's participation, denial of start-up or expansion funds, denial of a request for advanced payment, recovery of an advance in excess of a claim, denial of a claim for reimbursement (except for late submission), decision not to forward an exception request for payment of a late claim, overpayment demand, denial of a new or renewing institution's application for participation, denial of sponsored facility application, notice of proposed termination, claim denial, claim deadline exceptions and requests for upward adjustments to a claim, or any other action affecting an institutions participation or claim for payment.

3. All appeal requests must be presented in writing to the TDHS Division of Appeals and Hearings not later than 15 calendar days after the date the institution or sponsoring agency receives the notice of adverse administrative action.
4. The date of an institution's or sponsoring agency's receipt of a notice of suspension and/or proposed termination and disqualification will be governed by the federal regulation at 7 CFR Part 226.2. The notice must specify the action being proposed or taken and the basis for the action, and is considered to be received by the institution or day care home when it is delivered, sent by facsimile, or sent by email. If the notice is undeliverable, it is considered to be received by the institution, responsible principal or responsible individual, or day care home five days after being sent to the addressee's last known mailing address, facsimile number, or email address.
5. The TDHS Division of Appeals and Hearings will acknowledge the receipt of the appeal request within 10 calendar days of the receipt of the institution's or sponsoring agency's request for review. The written request for review should state if a fair hearing is requested or if a review of written information in lieu of a fair hearing is requested. If the appeal request from the institution or sponsoring agency does not specifically request a hearing, a review of written information in lieu of a hearing will occur. If a fair hearing is requested and the institution or sponsoring agency's representative fails to appear, the right to a personal appearance is waived.
6. If an institution or sponsoring agency does not request a fair hearing or a review of written information in lieu of the hearing within 15 calendar days from the date the institution or sponsoring agency receives a Notice of Proposed Termination, the TDHS will issue a letter advising the institution or sponsoring agency that it is terminated from the CACFP effective on the 16th calendar day following the institution's or sponsoring agency's receipt of the notice, and that the responsible principals and individuals of the institution or sponsoring agency are disqualified from participation.
7. To be considered for a fair hearing or for a review of written information in lieu of a fair

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hearing, all written documents must be submitted to the TDHS Division of Appeals and Hearings not later than 30 days after receipt of the notice of adverse administrative action.

8. The action of the TDHS must remain in effect during the administrative review. The effect of this requirement on particular actions by TDHS is as follows:
 - (i) *Overpayment demand.* During the period of the administrative review, TDHS is prohibited from taking action to collect or offset the overpayment. However TDHS must assess interest beginning with the initial demand for remittance of the overpayment and continuing through the period of administrative review unless the administrative review official overturns the TDHS's action.
 - (ii) *Recovery of advances.* During the administrative review, TDHS must continue its efforts to recover advances in excess of the claim for reimbursement for the applicable period. The recovery may be through a demand for full repayment or an adjustment of subsequent payments.
 - (iii) *Program payments.* The availability of Program payments during an administrative review of the denial of a new institution's application, denial of a renewing institution's application, proposed termination of a participating institution's agreement, and suspension of an institution are addressed in paragraphs (c)(1)(iii)(D), (c)(2)(iii)(D), (c)(3)(iii)(D), (c)(5)(i)(D), and (c)(5)(ii)(E), respectively, of 7 CFR §226.6.
9. The institution or sponsoring agency must refute the charges contained in the notice during the fair hearing or in the written information that is provided in lieu of the hearing.
10. The institution and the responsible principals and responsible individuals may retain legal counsel, or may be represented by another person.
11. If a fair hearing is requested, the institution or sponsoring agency will be notified in writing of the time, date and place of the fair hearing at least 10 calendar days in advance.
12. Any information which supports an adverse administrative action taken by the TDHS shall be available to the institution or sponsoring agency for inspection from the date of the receipt of the request for a fair hearing or a review of written information in lieu of the hearing.
13. In accordance with 7 CFR Part 226.6 (k)(8), the TDHS Division of Appeals and Hearings must conduct the administrative review of the proposed disqualification of the responsible principals and responsible individuals as part of the administrative review of the application denial, proposed termination, and/or proposed disqualification of the institution with which the responsible principals or responsible individuals are associated. However, at the administrative review official's discretion, separate administrative reviews may be held if the institution does not request an administrative review or if either the institution or the responsible principal or responsible individual demonstrates that their interests conflict.
14. The procedures contained in the Uniform Administrative Procedures Act found at TCA 4-5-301 et seq. shall be followed in rendering a decision on all appeals. The decision of the hearing officer is the final administrative determination to be afforded to the institution or sponsoring agency, and shall be rendered in a timely manner not to exceed 60 calendar days from the date of the receipt of the request for a fair hearing.
15. The processing limits for administrative appeals MUST be met. In the event a continuance is requested by a party, one continuance may be granted at the Hearing Official's discretion. This

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continuance shall not be for a period longer than ten (10) calendar days unless there are exceptional circumstances. Exceptional circumstances must be detailed in the order of continuance and the order must contain a date certain for the hearing, to be set as soon as possible. A report of pending CACFP desk review and fair hearing requests will be generated and reviewed daily by the Clerk's Office and the Legal Director for Appeals and Hearings who will monitor the dates for timeliness. In the event a decision has not been rendered within forty-five (45) calendar days of the date of receipt of the request for fair hearing or desk review, the Legal Director for Appeals and Hearings or their back-up shall notify the hearing official to take appropriate action.

16. All requests for a fair hearing or for a review of written information in lieu of a hearing must be submitted to:

Tennessee Department of Human Services
Division of Appeals and Hearings
PO Box 198996, Clerk's Office
Nashville, TN 37219-8996
Fax: (615) 248-7013 or (866) 355-6136
E-mail: AppealsClerksOffice.DHS@tn.gov

17. If a termination action is upheld by the hearing officer, the TDHS will issue a letter to the institution or sponsoring agency and its responsible principals and individuals advising that the termination and disqualification are effective on the date of the ruling issued by the hearing officer. The agency maintains searchable records of all administrative reviews and their dispositions for a period of five (5) years.

18. As required by 7 CFR Part 226.6 (c)(7), each disqualified institution, sponsoring agency, principal and individual will be placed on the National Disqualified List maintained by the U.S. Department of Agriculture (USDA). Once included on the National Disqualified List, an institution, sponsoring agency, principal and individual shall remain on the list until such time as the USDA, in consultation with the TDHS, determines that the serious deficiencies that led to their placement on the list have been corrected, or until seven years have elapsed since they were disqualified from participation. However, if the institution, sponsoring agency, principal or individual has failed to repay debts owed under the program, they will remain on the list until the debt has been paid.