



**STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES**

CITIZENS PLAZA BUILDING
400 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-1403

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BILL HASLAM
GOVERNOR

DANIELLE W. BARNES
COMMISSIONER

Certified Mail - Return Receipt # 7017066000035706828

September 4, 2018

Alfred Howard, Pastor
Angela Howard, Administrator
Garden of Prayer
PO Box 341
Lebanon, TN 37087-9998

RE: Notice of Serious Deficiency for Summer Food Services Program (SFSP) Agreement Number 00-612 and Demand for Overpayment

Dear Mr. Howard,

The Department of Human Services (DHS) – Division of Audit Services staff conducted an unannounced on-site monitoring review of the Summer Food Services Program (SFSP) at Garden of Prayer (Sponsor), Application Agreement 00-612, on July 19 2018. Additional information was requested and was not provided by the deadline. 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 nine feeding sites operating during the review period. Pickett Rucker United Methodist Church (**Pickett Rucker**) and Smith County Middle School (**Smith County Middle**) feeding sites were selected as the sample sites. In addition, we reviewed all meal counts for all sites operating during the review period.

Background

SFSP 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 SFSP Sponsor reports the number of meals served through the DHS Tennessee Information Payment System (TIPS) to seek 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, we observed meal services during our site visits throughout the review period.

SERIOUS DEFICIENCY DETERMINATION

Based on the monitoring review, the Department has determined that Garden of Prayer is seriously deficient in its operation of the SFSP. In addition, the Department has identified Alfred Howard, Pastor and Angela Howard, Administrator as responsible for the serious deficiencies in light of their responsibility for the overall management of Garden of Prayer's SFSP.

If Garden of Prayer does not fully and permanently correct all of the serious deficiencies and submit documentation of the corrective action by the due date, the Department will:

- Propose to terminate Garden of Prayer's, agreement to participate in the SFSP.

The authorization for this action is found in Paragraph 2.m. of your SFSP Provider Agreement and in the SFSP regulations at 7 C.F.R. § 225.11(c). You may not appeal a finding of serious deficiency.

SERIOUS DEFICIENCIES AND REQUIRED CORRECTIVE ACTION

The following paragraphs detail each serious deficiency and the corrective action required.

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

1. The Sponsor reported the number of meals served incorrectly

This is a Serious Deficiency

Condition

Dowell Chapel

The Claim for Reimbursement for **Dowell Chapel** for the review period reported 140 lunch meals. However, based on our review of the Sponsor's records, we found that there were 105 lunch meals prior to any meal disallowances.

As a result, 35 lunch meals, served were overreported. (See Exhibit B)

Man Up Sports World

The Claim for Reimbursement for **Man Up Sports World** for the review period reported 50 supper meals. However, based on our review of the Sponsor's records, we found that there were 10 supper meals served prior to any meal disallowances.

As a result, 40 supper meals claimed were overreported. (See Exhibit D)

Original Church of God

The Claim for Reimbursement for **Original Church of God** for the review period reported 361 lunch meals served. However, based on our review of the Sponsor's records, we found that there were 280 lunch meals served prior to any meal disallowances.

As a result, 81 lunch meals claimed were overreported. (See Exhibit E)

Pickett Rucker -sample site

The Claim for Reimbursement for **Pickett Rucker United Methodist Church** for the review period reported 215 supper meals served. However, based on our review of the Sponsor's records, we found that there were 50 supper meals served prior to any meal disallowances.

As a result, 165 supper meals claimed were overreported. (See Exhibit F)

Smith County Additional Area

The Claim for Reimbursement for **Smith County Additional Area** for the review period reported, 343 lunch meals served. However, the Sponsor was not able to provide us with the meals count sheets for June 2018. Therefore, due to lack of documentation to support the claim for this feeding site's meals, all meals claimed for June 2018 will be disallowed.

As a result, 343 lunch meals claimed were overreported. (See Exhibit G)

Smith County High School

The Claim for Reimbursement for **Smith County High School** for the review period reported 402 breakfast meals and 397 lunch meals served. However, based on our review of the Sponsor's records, we found that there were 432 breakfast meals and 412 lunch meals served prior to any meal disallowances.

As a result, 30 breakfast meals and 15 lunch meals claimed were underreported. (See Exhibit I)

Smith County Middle - sample site

The Claim for Reimbursement for **Smith County Middle** for the review period reported 1,440 breakfast meals and 1,440 lunch meals served. However, the Sponsor was not able to provide us with the meals count sheets for breakfast meals and limited documentation for lunch meals to support the June 2018 claim for reimbursement. Therefore, due to lack of documentation to support the claim for 1440 breakfast meals, we determine that 1440 breakfast meals were disallowed, and due to limited supporting documentation for the lunch meals claimed, we could only determine that 296 lunch meals were eligible for reimbursement, and 1144 lunch meals were disallowed.

As a result, 1,440 breakfast meals and 1,144 lunch meals claimed were overreported. (See Exhibit H)

Swift Dreams

The Claim for Reimbursement for **Swift Dreams** for the review period reported 130 lunch meals served. However, based on our review of the Sponsor's records, we found that there were 35 lunch meals served prior to any meal disallowances.

As a result, 95 lunch meals claimed were overreported. (See Exhibit J)

Criteria

Title 7 of the Code of Federal Regulations, Section 225.9 (d)(5) states, "... In submitting a claim for reimbursement, each sponsor shall certify that the claim is correct and that records are available to support this claim...."

Recommendation

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

2. The Sponsor provided meal count sheets that did not contain the site supervisor signature (approval)

Original Church of God

The meal count sheet for **Original Church of God** dated June 13, 2018 reported 27 lunch meals served. This meal count sheet was not signed by a site supervisor.

As a result, 27 lunch meals were disallowed. (See Exhibit E)

Smith County High School

The meal count sheet for **Smith County High School** dated June 13, 2018 reported 27 lunch meals served and the meal count sheet dated June 14, 2018 reported 33 breakfast meals served. These meal count sheets were not signed by a site supervisor.

As a result, 33 breakfast meals and 27 lunch meals were disallowed. (See Exhibit I)

Criteria

Title 7 of the Code of Federal Regulations, Section 225.15(c) (1) states, "... Sponsors shall maintain accurate records justifying all meals claimed and documenting that all Program funds were spent only on allowable Child Nutrition Program costs. Failure to maintain such records may be grounds for denial of reimbursement for meals served and/or administrative costs claimed during the period covered by the records in question...."

The USDA SFSP Administration Guide, page 139 states, "The sponsor must provide all necessary record sheets to the sites. Site supervisors are then responsible for keeping the records each day. The site personnel must complete the records based on actual counts taken at each site for each meal service on each day of operation." Also, according to the USDA SFSP Administration Guide, Instructions for Meal Count Form - Daily number 11, states, "The site supervisor must sign and date the meal count form."

Recommendation

The Sponsor should ensure that daily meal count sheets are reviewed and approved by the site supervisor.

3. The Sponsor did not conduct pre-operational visits or monitoring reviews of the feeding sites

Condition

The Sponsor did not conduct the pre-operational visits and the monitoring reviews during the first week and first four weeks of operation at the following sites: **Dowell Chapel, Garden of Prayer Tabernacle, Man Up Sports World, Original Church of God, Pickett Rucker United Methodist Church, Smith County Additional Area, and Smith County Middle School.**

Criteria

Title 7 of the Code of Federal Regulations, Section 225.15(d)(2) states, “Sponsors shall visit each of their sites at least once during the first week of operation under the Program and shall promptly take such actions as are necessary to correct any deficiencies.”

Title 7 of the Code of Federal Regulations, Section 225.15(d)(3) states, “Sponsors shall review food service operations at each site at least once during the first four weeks of Program operations, and thereafter shall maintain a reasonable level of site monitoring. Sponsors shall complete a monitoring form developed by the State agency during the conduct of these reviews.”

The USDA SFSP Administration Guide, page 42, defines the Sponsor responsibilities are to determine that the sites have the facilities to provide meal service for the anticipated number of children in attendance and the capability to conduct the proposed meal service. Sponsors should record the date of the pre-operational visit to each site and the name of the person who visited each site.

The USDA SFSP Administration Guide, page 118 states, Sponsors must conduct a review of the food service at least once in the first four weeks of Program operations. If a site operates less than four weeks, the sponsor must still conduct a review. After this initial period, sponsors must conduct a “reasonable” level of monitoring.

The USDA SFSP Monitor’s Guide, page 5 lists monitor responsibilities that include:

- Conducting pre-operational visits for new and problem sites.
- Visiting all assigned sites within the first week of operation to ensure that the food service is operating smoothly and that any needed adjustments are made or problems resolved.
- Reviewing food service operations of all assigned sites within the first 4 weeks of operation to thoroughly examine the meal service from start to finish, correcting problems and providing additional training where necessary.

Recommendation

The Sponsor should ensure that all monitoring reviews are conducted as required.

4. The Sponsor did not maintain racial and ethnic data of participants in the SFSP

Condition

The Sponsor did not complete the racial/ethnic data form for the feeding sites at Dowell Chapel, Garden of Prayer Tabernacle, Man Up Sports World, Original Church of God, Pickett Rucker United Methodist Church and Smith County Additional Area.

Criteria

The USDA SFSP Administration Guide, page 122 states, “Each year, every sponsor must determine the number of potentially eligible participants by racial/ethnic category for the area served. This information may be obtained from census data or public school enrollment data. The sponsor also must collect ethnic/racial category data each year by ethnic/racial category for each site under the sponsor’s jurisdiction.

Recommendation

The Sponsor should ensure that racial and ethnic data is collected and documented at all sites.

5. The “And Justice for All” poster was not posted as required

During our on-site monitoring visit on July 19, 2018 **Garden of Prayer Tabernacle** did not have the “And Justice for All” poster posted.

Criteria

The USDA SFSP Administration Guide, page 121, states “all sponsors and their sites are required to display in a prominent place at the site and in the sponsor’s office, the “And Justice for All” poster developed by USDA or approved by FNS.”

Recommendation

The Sponsor should ensure the “And Justice for All” poster is displayed at the office location.

Note: Our observation during the supper meal service at **Pickett Rucker** and lunch meal service at **Smith County Middle** revealed no deficiencies.

OVERPAYMENT - RIGHT TO APPEAL

Disallowed Costs

Based on our review, we determined that the sponsor’s noncompliance with the applicable Federal and State regulations that govern the SFSP resulted in a total disallowed meal cost of \$10,839.26.

The procedures for submitting an appeal regarding the amount of overpayment are enclosed. Please note that the appeal must be in writing and must be received by our Department no later than ten (10) calendar days from your receipt of this letter. 7 C.F.R. § 225.13(a). 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 overpayment, all appeal procedures must be followed as failure to do so may result in the denial of your request for an appeal.

SUMMARY

The Department has determined that Garden of Prayer is seriously deficient in its operation of the SFSP and that Alfred Howard, Pastor and Angela Howard, Administrator are responsible for the serious deficiencies.

You may not appeal the serious deficiency determination itself. If the Department proposes to terminate Garden of Prayer’s SFSP agreement, you will be able to appeal those actions and you will be advised of your appeal rights and the appeal procedures at that time.

To provide for the full and permanent correction of the serious deficiencies and findings, please complete the following actions within thirty (30) days of your receipt of this notice:

1. Login to (TIPS) the Tennessee Information Payment System and submit a revised claim for June 2018.
2. Remit a check payable to the Department in the amount of **\$10,839.26** for recovery of the overpayment; and
3. Complete and return the enclosed corrective action plan to address the findings of the monitoring review to:

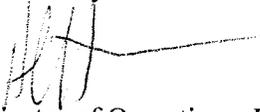
Tennessee Department of Human Services
Allette Vayda - SFSP/SFSP Unit
Citizens Plaza - 8th Floor
400 Deaderick Street
Nashville, Tennessee 37243-1403.

If the Department does not receive the corrective action plan by the deadline date, or the Department determines that the corrective action plan does not provide for the full and permanent correction of the serious deficiencies and findings, the Department will propose to terminate the Sponsor's SFSP Provider Agreement and to disqualify you and the Sponsor from future SFSP participation by issuing a Notice of Proposed Termination.

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,

Allette Vayda



Director of Operations- Food Programs

Exhibits

cc: Angela Howard, Garden of Prayer, Executive Director
Sam O. Alzoubi, Director of Audit Services
Debra Pasta, Program Manager, Child and Adult Care Food Program
Elke Moore, Administrative Services Assistant 3, Child and Adult Care Food Program
Constance Moore, Program Specialist, 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

Sponsor: Garden of Prayer

Review Month/Year: June 2018

Claim Reimbursement Total: \$16,530.91

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Number of Participating Sites for Breakfast	2	1
Number of Participating Sites for Lunch	6	5
Number of Participating Sites for Supper	3	3
Number of Breakfasts Served	1,842	399
Number of Lunches Served	2,811	1,074
Number of Suppers Served	355	150
Total Amount of Food Costs	XXXXXXXX	\$7,424.74
Total Amount of Eligible Food and Nonfood Costs	XXXXXXXX	\$9,106.17

Exhibit B

Site: Dowell Chapel

Review Month/Year: June 2018

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Number of Days Food Served	4	6
Number of 1 st Lunches Served	140	105

Exhibit C

Site: Garden of Prayer Tabernacle

Review Month/Year: June 2018

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Number of Days Food Served	9	9
Number of Suppers Served	90	90

Exhibit D

Site: Man Up Sports World

Review Month/Year: June 2018

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Number of Days Food Served	5	1
Number of Suppers Served	50	10

Exhibit E

Site: Original Church of God

Review Month/Year: June 2018

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Number of Days Food Served	12	10
Number of Lunches Served	361	253

Exhibit F

Site: Pickett Rucker United Methodist Church

Review Month/Year: June 2018

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Number of Days Food Served	4	1
Number of Suppers Served	215	50

Exhibit G

Site: Smith County Additional Area

Review Month/Year: June 2018

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Number of Days Food Served	19	0
Number of Lunches Served	343	0

Exhibit H

Site: Smith County Middle School

Review Month/Year: June 2018

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Number of Days Food Served	16	17
Number of Breakfasts Served	1440	0
Number of Lunches Served	1440	296

Exhibit I

Site: Smith County High School

Review Month/Year: June 2018

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Number of Days Food Served	11	11
Number of Breakfasts Served	402	399
Number of Lunches Served	397	385

Exhibit J

Site: Swift Dreams

Review Month/Year: June 2018

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Number of Days Food Served	3	1
Number of Lunches Served	130	35



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COMMISSIONER

September 4, 2018

Alfred Howard, Pastor
Angela Howard, Administrator
Garden of Prayer
PO Box 341
Lebanon, TN 37087-9998

Notice of payment due to findings disclosed in the monitoring report for Summer Food Service Program (SFSP)

Institution Name:	Garden of Prayer
Institution Address:	PO Box 341, Lebanon, Tennessee 37087-9998
Agreement Numbers:	00-612
Amount Due:	\$10,839.26
Due Date:	October 4, 2018

Based on the monitoring report issued, by the Audit Services Division 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 11th Floor
Citizens Plaza Building
400 Deaderick Street
Nashville, Tennessee 37243-1403
Tennessee Department of Human Services**

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
SUMMER FOOD SERVICE PROGRAM (SFSP)
TENNESSEE DEPARTMENT OF HUMAN SERVICES (TDHS)**

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 Date of Birth on the first page; enter your name, title and date of signature on the last page. Sign your name in ink. **Please return ALL pages of the completed Corrective Action Plan form.**

Section A. Sponsor Information	
Name of Institution Garden of Prayer	SFSP Agreement No. 00-612
Mailing Address: PO Box 341 Lebanon, TN 37087	
Section B. Responsible Principal(s) and/or Individual(s)	
Name and Title: Alfred Howard Angela Howard	Date of Birth (s):
Section C. Dates of Issuance of Monitoring Report/Corrective Action Plan	
SD Report: September 4, 2018	Corrective Action Plan: September 4, 2018
Section D. Findings	
Findings:	
<ol style="list-style-type: none"> 1. The Sponsor reported the number of meals served incorrectly 2. The Sponsor provided meal count sheets that did not contain the site supervisor signature (approval) 3. The Sponsor did not conduct pre-operational visits or monitoring reviews of the feeding sites 4. The Sponsor did not maintain racial and ethnic data of participants in the SFSP 5. The "And Justice for All" poster was not posted as required 	

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

Measure No. 1: The Sponsor reported the number of meals served 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 provided meal count sheets that did not contain the site supervisor signature (approval)

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 conduct pre-operational visits or monitoring reviews of the feeding sites

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 did not maintain racial and ethnic data of participants in the SFSP

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 “And Justice for All” poster was not posted 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:

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.

Printed Name of Authorized Sponsor Official

Position

Signature of Authorized Sponsor Official

Date

Signature of Authorized TDHS Official

Date

SUMMER FOOD SERVICE PROGRAM SPONSOR APPEAL PROCEDURES

7 C.F.R. § 225.13 governs appeals in the Summer Food Service Program and the maximum time limit for processing appeals is nineteen (19) calendar days for the Summer Food Service Program as follows:

1. The Department shall notify the appellant (Sponsor) in writing of the grounds upon which the Department has based the action. The Department's notice of action shall be sent by certified mail, return receipt requested, and shall also state that the sponsor or food service management company has the right to appeal the Department's action.
2. Appealable actions are outlined in 7 C.F.R. § 225.13(a) and are: A denial of an application for participation; a denial of a sponsor's request for an advance payment; a denial of a sponsor's claim for reimbursement (except for late submission under 7 CFR § 225.9(d)(6)); the Department's refusal to forward to FNS an exception request by the sponsor for payment of a late claim or a request for an upward adjustment to a claim, a claim against a sponsor for remittance of a payment, the termination of the sponsor or a site, a denial of a sponsor's application for a site, a denial of a food service management company's application for a site; of a food service management company's registration, if applicable.
3. The time period allowed for filing the appeal where actions are appealable as specified in 7 C.F.R. § 225.13(a) is ten (10) calendar days from the date on which the notice of action sent by certified mail return receipt requested is received.
4. The appeal must be in writing and must conform to the requirements outlined in 7 C.F.R. § 225.13(b) (4), which are set forth in number (6) below.
5. The address to file an appeal is as follows:

**Tennessee Department of Human Services
Appeals and Hearings Division, Clerk's Office
P.O. Box 198996
Nashville, TN 37219-8996
Toll Free. (866) 757-8209
Local (615) 744-3900
Fax. (866) 355-6136
AppealsClerksOffice.DHS@tn.gov**

6. The appellant is allowed to refute the charges in the notice of action in person, or by filing written documentation with the review official. If the appeal letter does not specifically request a hearing, a review of written documentation in lieu of a hearing will occur. To be considered, written documentation must be submitted by the appellant within seven (7) calendar days of submitting the appeal. An appellant is allowed the

opportunity to review information upon which the action described in the notice of action was based.

7. If the appellant requested a hearing in the appeal letter, the appellant shall be given at least five (5) calendar days advance written notice by certified mail, return receipt requested, of the date, time, and place of hearing.
8. If the appellant requested a hearing in the appeal letter, the hearing will be conducted within fourteen (14) calendar days of the receipt of the appeal. However, the hearing will not be held before the appellant's written documentation is received where the appellant has requested to submit the written documentation. The appellant may retain legal counsel or may be represented by another person. If the appellant institution or sponsoring agency is a corporation, partnership or other legally created entity, then the sponsoring institution or agency must be represented by an attorney. Otherwise, the individual representing the agency will have limited participation in the hearing. If the appellant institution or sponsoring agency is a natural person (not a corporation, partnership or other artificial entity), he/she may retain an attorney, represent themselves or be represented by another person. Failure of the appellant's representative to appear at a scheduled hearing shall constitute the appellant's waiver of the right to a personal appearance before the review official, unless the review official agrees to reschedule the hearing. A representative of the State agency shall be allowed to attend the hearing to respond to the appellant's testimony and written information and to answer questions from the review official. The review officer shall be independent of the original decision-making process.
9. Within five (5) working days after receiving the written documentation, and where a hearing was not requested in the appeal letter, the administrative review official, based on a full review of the administrative record, will inform the appellant, by certified mail, return receipt requested, of the official's determination.
10. Within five (5) working days after the hearing has been held, when a hearing was requested in the appeal letter, the hearing official, based on a full review of the administrative record, will inform the appellant, by certified mail, return receipt requested, of the official's determination.
11. 7 CFR. § 225.13(11) requires the Program's administrative action to remain in effect during the appeal process.
12. Participating sponsors and sites may continue to operate during an appeal of a termination.
13. Reimbursement shall be paid for meals served during the appeal process if the administrative review determination overturns the Program's administrative action that was appealed.

14. If the sponsor or site has been terminated for the reason of imminent dangers to the health or welfare of children, the operation shall not be allowed to continue during the appeal process and this reason shall be specified in the notice of action.
15. The review official will make a determination based on information provided by the State agency and the appellant, and on Program regulations.
16. The determination made by the hearing official is the final administrative determination provided under 7 225.13(12), and will become the Final Order and set forth the time limits for seeking judicial review.

