



**STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES**

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BILL LEE
GOVERNOR

DANIELLE W. BARNES
COMMISSIONER

October 4, 2019

Nancy Berner, Provost
University of the South
735 University Avenue
Sewanee, Tennessee 37383-1000

Dear Ms. Berner,

The Department of Human Services (DHS) - Division of Audit Services staff conducted an unannounced on-site monitoring review of the Summer Food Service Program (SFSP) at University of the South (Sponsor), Application Agreement 00-078, on August 21, 2019. Additional information was requested and provided on August 22, 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 11 feeding sites operating during the review period. The **Camp Rain**, Grace Center for Hope (**Grace Center**), and the May Justus Library (**May Justice**) feeding sites were selected as the sample. 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) 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, we observed meal services during our site visits throughout the review period.

Our review of the Sponsor's records for June 2019 disclosed the following:

1. The Sponsor reported the number of meals served incorrectly

Condition

Franklin County Library

During our review of the Claim for Reimbursement for **Franklin County Library** for June 2019, we noted that the Sponsor reported 238 lunch meals served. However, based on our review of the Sponsor's records, we found that there were 243 lunch meals served prior to any meal disallowances.

As a result, five (5) lunch meals were underreported. (See Exhibit E)

Mountain T.O.P.

During our review of the Claim for Reimbursement for **Mountain T.O.P.** for the test month, we noted that the Sponsor reported 310 lunch meals served. However, based on our review of the Sponsor's records, we found that there were 464 lunch meals served prior to any meal disallowances.

As a result, 154 lunch meals were underreported. (See Exhibit F)

St. James Episcopal Church / Midway Playground

During our review of the Claim for Reimbursement for **St. James Episcopal Church / Midway Playground** for the test month, we noted that the Sponsor reported 118 lunch meals served. However, based on our review of the Sponsor's records, we found that there were 138 lunch meals served prior to any meal disallowances.

As a result, 20 lunch meals were underreported. (See Exhibit H)

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...."

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...."

Recommendation

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

2. The Sponsor provided meal count forms with errors

Condition

During our monitoring visit on August 21, 2019, we requested documentation of daily meal counts. The Sponsor provided meal count forms for lunches served at **Mountain T.O.P.** dated June 10, 11, and 13, 2019 that were not signed by a site supervisor. Additionally, the meal count form dated June 11, 2019 did not indicate point of service meals were taken as there were no meals marked on the form. Lunch meals were disallowed as follows:

Date	No. of Lunches
6/10/18	26
6/11/19	27
6/13/19	26

As a result, 79 lunch meals were disallowed. (See Exhibit F)

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...."

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...."

Recommendation

The Sponsor should ensure that meal count forms are completed accurately and point of service meal counts are taken.

3. The Sponsor provided menus that did not meet USDA meal pattern requirements

Condition

During our monitoring visit on August 21, 2019, we requested menus and supporting documentation for meals claimed during the review period. The lunch menu on June 6, 2019 included beef ravioli, green beans, apple slices, bread, and milk. The serving of ravioli contained six grams of protein which was not a sufficient serving of protein to be creditable as a meat or meat alternative. Lunches were disallowed for this error as follows:

Site	Number of Lunches Disallowed	Exhibit
Grace Center	21 ¹	C
May Justus	17	D
Sewanee Elementary	26	G
St. James Episcopal Church	19	H

¹There were nine (9) 2nd meals reported but the number of 2nd meals served during the review period exceeded the two percent cap and therefore these meals are immaterial.

As a result, a total of 83 lunch meals were disallowed. (See Exhibits)

Criteria

Title 7 of the Code of Federal Regulations, Section 225.16 (d) states, "The meal requirements for the Program are designed to provide nutritious and well-balanced meals to each child. Sponsors shall ensure that meals served meet all of the requirements..."

Recommendation

The Sponsor should ensure that all meals served meet the USDA meal pattern requirements.

4. The Sponsor provided a monitoring form with errors

Condition

During our monitoring visit on August 21, 2019, we requested documentation of monitoring completed for the sample sites. The Sponsor provided documentation of the pre-operational monitoring visit at the **May Justus** site, but the monitoring form was not dated. Therefore, we could not conclude monitoring had been completed prior to the site operating.

Criteria

Title 7 of the Code of Federal Regulations, Section 225.14 (c) states, "No applicant sponsor shall be eligible to participate in the Program unless it: (6) Certifies that all sites have been visited and have the capability and the facilities to provide the meal service planned for the number of children anticipated to be served."

The USDA SFSP Administration Guide, page 8, states, "Prior to approval, sponsors must visit new sites and any sites that had operational problems in the previous year. When a sponsor applies for the SFSP, they must certify that the required pre-operational site visits have been conducted and that sites are capable of providing meal service for the number of children as planned."

Recommendation

The Sponsor should ensure monitoring forms are completed to document monitoring activities.

Note: Our observations of meal services during the review period at the sample sites revealed no significant deficiencies.

Technical Assistance Provided

Technical assistance was provided to the Sponsor regarding protein content requirements and specificity on menus.

Corrective Action

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

- 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
Summer Food Service Program
James K. Polk Building 15th Floor
505 Deaderick Street
Nashville, Tennessee 37243
Allette.Vayda@tn.gov
(615) 313-3769

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: Nicky Hamilton, Director, University of the South
Anna Goforth, Program Manager, University of the South
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
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: University of the South
Review Month/Year: June 2019
Claim Reimbursement Total: \$9,430.55

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Number of Participating Sites for Breakfast	3	3
Number of Participating Sites for Lunch	9	9
Number of Participating Sites for Supper	2	2
Number of Breakfasts Served	726	726
Number of Lunches Served	1,744	1,761
Number of Suppers Served	181	181

SFSP Sample Sites Data – (Exhibits B – D)

Exhibit B

Sample Site: Camp Rain

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Number of Days Food Served	3	3
Number of 1 st Breakfasts Served	161	161
Number of 2 nd Breakfasts Served	3	3
Number of 1 st Lunches Served	162	162
Number of 2 nd Lunches Served	3	3

Exhibit C

Sample Site: Grace Center

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Number of Days Food Served	21	21
Number of 1 st Lunches Served	234	213
Number of 2 nd Lunches Served	5	5

Exhibit D

Sample Site: May Justus

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Number of Days Food Served	4	4
Number of 1 st Lunches Served	73	56
Number of 2 nd Lunches Served	1	1

SFSP Non-Sample Sites with Errors Data – (Exhibits E – H)

Exhibit E

Site: Franklin County Library

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Number of Days Food Served	15	15
Number of 1 st Lunches Served	238	243
Number of 2 nd Lunches Served	5	5

Exhibit F

Site: Mountain T.O.P.

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Number of Days Food Served	12	12
Number of 1 st Lunches Served	310	385
Number of 2 nd Lunches Served	6	6

Exhibit G

Site: Sewanee Elementary

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Number of Days Food Served	16	16
Number of Breakfasts Served	392	392
Number of Lunches Served	377	351

Exhibit H

Site: St. James Episcopal Church / Midway Playground

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Number of Days Food Served	7	7
Number of 1 st Lunches Served	118	119
Number of 2 nd Lunches Served	2	2

Note: There were no reporting errors for the remaining non-samples sites noted. Therefore, there are no exhibits included for these sites.

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.

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