



**STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES**

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BILL LEE
GOVERNOR

DANIELLE W. BARNES
COMMISSIONER

October 1, 2019

Dan Dummermuth, Executive Director
YMCA of Middle Tennessee
1000 Church Street
Nashville, Tennessee 37203-3420

Dear Mr. Dummermuth,

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 YMCA of Middle Tennessee (Sponsor), Application Agreement 00-083, on August 20, 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 nine (9) feeding sites operating during the review period. **Croft Middle School** and **Hermitage Elementary School** 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) 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 the combined months of May and June 2019 disclosed the following:

The Sponsor reported the number of meals served incorrectly

Condition

During our monitoring visit on August 20, 2019, we requested meal count sheets to support the Claim for Reimbursement for sites operating during the review period. Based on our review of the meal count sheets, there were deficiencies as follows:

Dan Mills

The Claim for Reimbursement for **Dan Mills** for the test month reported 1,548 lunch meals served. However, based on our review of the Sponsor's records, we found that there were 1,545 lunch meals served prior to any meal disallowances.

As a result, three (3) lunch meals were over-reported. (Exhibit D)

Hermitage Elementary

The Claim for Reimbursement for **Hermitage Elementary** for the test month reported 849 breakfasts served. However, based on our review of the Sponsor's records, we found that there were 852 breakfast meals served prior to any meal disallowances.

As a result, three (3) breakfast meals were underreported. (Exhibit F)

Northwest YMCA

The Claim for Reimbursement for **Northwest YMCA** for the test month reported 1,201 lunch meals served. However, based on our review of the Sponsor's records, we found that there were 1,197 lunch meals served prior to any meal disallowances.

As a result, four (4) lunch meals were over-reported. (Exhibit G)

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.

Note: Our observation of the meal services at **Croft Middle School** and **Hermitage Elementary School** during the review period revealed no significant deficiencies.

Technical Assistance Provided

During our monitoring visit on August 20, 2019, technical assistance was requested and provided regarding claiming and documenting meals based on meal count forms.

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:

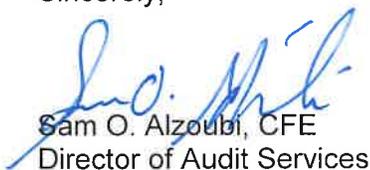
AuditServices.CAPS.DHS@tn.gov

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: Jill Tramel, Senior VP of Youth Development, YMCA of Middle Tennessee
Paige Hopkins, Director of Anti-Hunger Initiatives, YMCA of Middle Tennessee
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: YMCA of Middle Tennessee
Review Month/Year: May/June 2019
Claim Reimbursement Total: \$49,798.47

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Number of Participating Sites for Breakfast	6	6
Number of Participating Sites for Lunch	9	9
Number of 1 st Breakfasts Served	5,189	5,192
Number of 2 nd Breakfasts Served	63	63
Number of 1 st Lunches Served	9,503	9,496
Number of 2 nd Lunches Served	187	187

Exhibit B

Site: Bellshire Elementary

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Number of Days Food Served	24	24
Number of 1 st Breakfasts Served	1,043	1,043
Number of 1 st Lunches Served	1,050	1,050

Exhibit C

Site: Croft Middle School (sample site)

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Number of Days Food Served	24	24
Number of 1 st Breakfasts Served	618	618
Number of 1 st Lunches Served	610	610

Exhibit D

Site: Dan Mills

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Number of Days Food Served	24	24
Number of 1 st Breakfasts Served	825	825
Number of 2 nd Lunches Served	1,548	1,545

Exhibit E

Site: Donelson YMCA

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	1,784	1,784

Exhibit F

Site: Hermitage Elementary (sample site)

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Number of Days Food Served	24	24
Number of 1 st Breakfasts Served	849	852
Number of 1 st Lunches Served	859	859

Exhibit G

Site: Northwest YMCA

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Number of Days Food Served	24	24
Number of 1 st Lunches Served	1,201	1,197

Exhibit H

Site: Trinity United Methodist Church

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Number of Days Food Served	16	16
Number of 1 st Breakfasts Served	750	750
Number of 1 st Lunches Served	815	815

Exhibit J

Site: Una

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Number of Days Food Served	24	24
Number of 1 st Breakfasts Served	1041	1041
Number of 1 st Lunches Served	1073	1073

Exhibit K

Site: YCAP East

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	376	376

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 sponsors 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 Departments 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 's registration, if applicable.
3. The time period allowed for filing the appeal where actions are appealable as specified in 7 C.F.R. § 22513(a) is ten (10) calendars 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) calendars 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.