



**STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES**

DEPARTMENT OF PROGRAM INTEGRITY
AUDIT SERVICES
CITIZENS PLAZA BUILDING
400 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-1403
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BILL HASLAM

GOVERNOR

DANIELLE W. BARNES

COMMISSIONER

March 17, 2017

Frankie Briggs, Executive Director
Gateway Learning Academy, LLC
185 E. Norwood
Memphis, Tennessee 38109

Dear Mrs. Briggs:

The Department of Human Services Audit Services staff conducted an on-site unannounced review of the Child and Adult Care Food Program (CACFP) at Gateway Learning Academy, LLC, Application Agreement 00-287, on January 26, 2017. Additional information was requested and received on January 31, 2017 to complete the review. We reviewed the agency records of reimbursements and expenditures for December 2016. The purpose of this review was to determine if the Sponsoring Organization (Sponsor) complied with *Title 7 of the Code of Federal Regulations* (CFR) applicable parts, application agreement, and applicable Federal and State regulations.

Background

Meals served by participating institutions and facilities must meet the minimum guidelines set by the U.S. Department of Agriculture (USDA) and the Tennessee Department of Human Services to be eligible for reimbursement. We examined CACFP documentation such as income eligibility forms, enrollment addendum forms, master enrollment lists, attendance records, meal count records, menus and food service cost records. We also assessed compliance with civil rights requirements and observed a meal service.

Based on our review, we determined the following:

1. The Sponsor improperly classified eligibility of the CACFP participants

Condition

Based on our review of available documents and information, we determined three participants were reported in the free category did not have current applications on file for the test month. These three participants were reclassified as paid.

Criteria

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

The Tennessee Child and Adult Care Food Program Policies and Procedures Manual states that centers must "correctly determine and report the eligibility of all participants for free, reduced-price and paid meal payments " and "a current application must be on file when reimbursement is claimed for free or reduced-price meals."

Recommendation

The Sponsor should ensure that applications are completed correctly, participants are classified in the correct category, and participants have valid applications on file for the claiming period.

2. The number of participants reported in the free, reduced-price, and paid categories was incorrect

Condition

The Claim for Reimbursement for the test month reported 72 participants in the free category, two participants in the reduced-price category, and eight participants in the paid category. However, our review of the Sponsor's records disclosed that 69 participants in the free category, one participant in the reduced-price category, and 12 participants in the paid category. The differences were based on the following:

- Adjustments made due to the application errors in Finding 1.
- The number of participants reported in the reduced-price category was over reported by one and the paid category was under reported by one.

Criteria

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

The Tennessee Child and Adult Care Food Program Policies and Procedures Manual states that centers must "correctly determine and report the eligibility of all participants for free, reduced-price, and paid meal payments."

Recommendation

The Sponsor should ensure that each participant is reported according to the income eligibility application for child care center participants.

This is a repeat finding from the report dated August 27, 2014.

3. One lunch menu did not meet the USDA meal pattern requirements

Condition

Our review of the Sponsor's menus disclosed that the Sponsor used commercially processed beef ravioli on December 22, 2016. The lunch menu listed beef ravioli, cut green beans, cream corn, wheat bread, and milk. The Sponsor provided a Product Formulation statement on January 31, 2017 but it did not verify the amount of meat/meat alternative per serving.

As a result of noncompliance with the USDA meal pattern requirement, we determined that 46 lunches are disallowed for reimbursement.

Criteria

Title 7 of the Code of Federal Regulations Section 226.20(a) states, "Food components. Except as otherwise provided in this section, each meal served in the Program must contain, at a minimum, the indicated food components."

The Tennessee Child and Adult Care Food Program Policies and Procedures Manual states, "all meals must meet the meal patterns established by the USDA to be eligible for CACFP reimbursement."

The canned beef ravioli did not have a CN label and the menus did not list any additional protein added to the meal.

The USDA Crediting Foods in the Child and Adult Care Food Program, Revised 2011, states when crediting commercial or frozen products "toward the meat/meat alternate component, the amount of meat/meat alternate per serving (not the total portion size) is the determining factor for crediting purposes. Because of the uncertainty of the actual amount of meat/meat alternate contained in these products, they should not be used unless (1) they are CN-labeled; or (2) you obtain a Product Formulation Statement signed by an official of the manufacturer (not a sales person) that shows how the crediting has been determined." The Product Formulation Statement did not verify the amount of meat/meat alternative per serving and no documentation to indicate additional protein had been added to the menu items.

Recommendation

The agency should implement the following:

- The agency should keep copies of commercially prepared food CN labels or Product Formulation Statements on file and follow the recommended serving sizes/equivalents listed on the label.
- Additional protein might be required to meet the CACFP requirements. Document on the menu the type of meat/meat alternative added to commercially prepared products.

This is a repeat finding from the report dated August 27, 2014.

4. Three participants did not have an enrollment addendum form on file

Condition

There were participants that did not have a current CACFP enrollment addendum form on file.

There was no questioned cost for this finding.

Criteria

Title 7 of the Code of Federal Regulations Section 226.15 (e) states "institutions must have enrollment documentation that is updated annually, signed by a parent or legal guardian, and include information on each child's normal day and hours of care and the meals normally received while in care." In addition, the Tennessee Child and Adult Care Food Program Policies and Procedures Manual states that "each institution must have an enrollment form for each CACFP participant."

Recommendation

The agency should ensure that all applicants have a current CACFP enrollment addendum form on file.

5. The number of attendance days reported was incorrect

Condition

The Claim for Reimbursement for the test month reported 1,277 participant days. However, our review disclosed 1,272 participant days.

Criteria

Title 7 of the Code of Federal Regulations Section 226.10 (c) states that "institutions shall certify that the claim submitted for reimbursement is correct." The Tennessee Child and Adult Care Food Program Policies and Procedures Manual states that "each institution must maintain documentation of individual children's attendance on a daily basis."

Recommendation

The agency should ensure that accurate daily attendance is taken.

Disallowed Meals Cost

Based on our 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 \$386.59.

The 2016 Administrative Guidance for Sponsors Handbook states, "*Violations of Program requirements may result in withholding or recovery of reimbursements, corrective action, or termination and exclusion from future Program participation.*"

Corrective Action

Gateway Learning Academy, LLC must complete the following actions within 30 business days from the date of this report:

- Login to the Tennessee Information Payment System (TIPS) and revise the claim(s) submitted for each site for December 2016, which contains the verified claim data from the enclosed exhibit. A copy of the claim form is attached for your use;
- Remit a check payable to the **Tennessee Department of Human Services** in the amount of \$386.59 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
 Child and Adult Care Food Program
 8th Floor Citizens Plaza Building
 400 Deaderick Street
 Nashville, Tennessee 37243
Allette.Vayda@tn.gov

Please note that the amount of disallowed administrative and/or meals cost is subject to an interest charge. The interest charge will be waived if your revised claim within 30 business days from the date of this report. If the revised claim is not completed by the 30 business - day deadline, an interest charge may be billed to your institution. Please make your check payable to the **Tennessee Department of Human Services** and mail your check and the billing notice to:

Child and Adult Care Food Program
 Fiscal Services
 11th Floor, Citizens Plaza Building
 400 Deaderick Street
 Nashville, Tennessee 37243

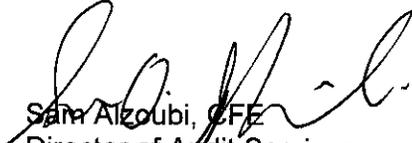
In accordance with the federal regulation found at *7 CFR Part 226.6 (k)*, your institution may appeal the disallowed meals cost identified by this monitoring report. The procedures for submitting an appeal are enclosed. The appeal must be submitted to:

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/or 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, please contact Jackie Yokley, Audit Director 2, at 615-837-5035 or Jackie.D.Yokley@tn.gov.

Sincerely,



Sam Alzoubi, CFE
Director of Audit Services

Exhibit

cc: Allette Vayda, Director, Child and Adult Care Food Programs
Brian Anthis, Program Coordinator, Child and Adult Care Food Program
Comptroller of the Treasury, State of Tennessee

EXHIBIT A**Verification of CACFP Independent Center Claim (Claiming Percentages)****Name of Agency: Gateway Learning Academy, Inc.****Review Month/Year: December 2016****Total Meal Reimbursement Received: \$5,965.01**

Program Area	Reported on Claim	Verified By Monitoring Review	Verified By Sampling Data (Yes/No/NA)
Number of Days that CACFP Food Service was operated	20	20	No
Total Attendance	1,277	1,272 ¹	No
Percentage of Participants in the Free or Reduced-price Category (For Proprietary Center Only)	XXXXXX	90%	No
Number of Breakfasts Served	1,204	1,204	No
Number of Lunches Served	1,017	971 ²	No
Number of Suppers Served	NA	NA	NA
Number of Supplements Served	1,209	1,209	No
Number of Participants in Free Category	72	69 ³	No
Number of Participants in Reduced-Price Category	2	1 ³	No
Number of Participants in Paid Category	8	12 ³	No
Total Number of Participants	82	82	No
Total Amount of Eligible Food Costs	XXXXXXXX	\$2,076.80	No
Total Amount of Eligible Food and Non-Food Costs	XXXXXXXX	\$3,984.01	No

¹The difference is due to a reporting error.²The difference is due to a menu deficiency.³The difference is due to application and reporting errors.

Exhibit B

Summary of Questioned Costs by Findings
Sponsor: Gateway Learning Academy, LLC
Review Month/Year: December 2016

Finding	Questioned Costs
CACFP applications had regulatory deficiencies	
Menu did not meet USDA component requirement	
Total Questioned Costs	<u>\$386.59</u>

Refer to Individual finding for details.



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COMMISSIONER

March 16, 2017

Frankie Briggs, Executive Director
Gateway Learning Academy, LLC
185 E. Norwood
Memphis, Tennessee 38109

Notice of payment due to findings disclosed in the monitoring report dated March 16, 2017, for Child and Adult Care Food Program (CACFP).

Institution Name:	Gateway Learning Academy, LLC
Institution Address:	185 E. Norwood Memphis, Tennessee 38109
Agreement Numbers:	00-287
Amount Due:	\$386.59
Due Date:	April 16, 2017

Based on the monitoring report issued on March 16, 2017, 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 requires Backfield in Motion, Inc. to reimburse the Department of Human Services unallowed cost in the amount of \$386.59.

Please remit a check or money order payable to the **Tennessee Department of Human Services** in the amount of \$386.59 by the due date to:

**Fiscal Services 11th Floor
Citizens Plaza Building
400 Deaderick Street
Nashville, Tennessee 37243-1403
Tennessee Department of Human Services**

Please note that the unallowed 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 add 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, Community and Social Services- Food Programs- CACFP & SFSP at (615) 313-3769 or Allette.Vayda@tn.gov

Thank you for your attention



Tennessee Department of Human Services
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: Gateway Learning Academy, LLC	Agreement No. 00-287	<input type="checkbox"/> SFSP <input checked="" type="checkbox"/> CACFP
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Mailing Address: 185 E. Norwood Memphis, Tennessee 38109

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

Name and Title: Frankie Briggs, Executive Director	Date of Birth: / /
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Section C. Dates of Issuance of Monitoring Report/Corrective Action Plan

Monitoring Report: 3/16/2017	Corrective Action Plan: 3/16/2017
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Section D. Findings

Findings:

1. The Sponsor improperly classified eligibility of the CACFP participants.
2. The number of participants reported in the free, reduced-price and paid categories was incorrect.
3. One lunch menu did not meet the USDA meal pattern requirements.
4. Three participants did not have an enrollment addendum form on file.

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 improperly classified eligibility of the CACFP participants.

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 number of participants reported in the free, reduced-price and paid categories was incorrect.

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: One lunch menu did not meet the USDA meal pattern requirements.

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: Three participants did not have an enrollment addendum form on file.

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;

Appeal Procedures for Child and Adult Care Food Program-Institutions
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- (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 Intent to Terminate, 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

Appeal Procedures for Child and Adult Care Food Program-Institutions
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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

Appeal Procedures for Child and Adult Care Food Program-Institutions
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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.

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.