



**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

May 16, 2018

Todd Farrell, Board Chair  
Boys and Girls Clubs of Cleveland  
385 Third Street Southwest  
Cleveland, TN 37311-5977

Dear Mr. Farrell,

The Department of Human Services (DHS) - Audit Services Division staff conducted an unannounced on-site monitoring review of the Child and Adult Care Food Program (CACFP) at Boys and Girls Clubs of Cleveland (Sponsor), Application Agreement number 00-175 on April 11, 2018. The purpose of this review was to determine if the Sponsor complied with *Title 7 of the Code of Federal Regulations* (CFR) applicable parts, application agreement, and applicable Federal and State regulations.

Based on our review of the Sponsor's records and information provided, the Sponsor had eight feeding sites operating during the review period. The Painter Unit (**Painter**) and James H. Tucker Unit (**Tucker**) were selected as the sample sites.

Background

CACFP Sponsors utilize meal count sheets to record the number of breakfast, lunch, supper and supplement meals served. Meals served by participating Sponsors must meet the minimum guidelines set by the United States Department of Agriculture (USDA) and DHS to be eligible for reimbursement. The CACFP Sponsor reports the number of meals served through the DHS Tennessee Information Payment System (TIPS) system to seek reimbursement. We inspected meal count 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 and observed a meal service. In addition, we observed a meal service during our site visits to **Painter** and **Tucker** on March 26, 2018.

Our review of the Sponsor's records for March 2018 revealed the following:

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

Condition

**Tucker – sample feeding site**

The Sponsor provided menus that contained components that were not creditable.

The menus had deficiencies as follows:

<b>Date</b>	<b>Menu</b>	<b>Reason</b>	<b>Meal Type</b>	<b>No. of Meals</b>
3/1/18	Hot dogs, carrots, applesauce, milk	Hot dogs have less than 2 ounces of meat/meat alternate	Supper	91
3/5/18	Uncrustable peanut butter and jelly sandwich, carrots, mandarin oranges, milk	Uncrustable sandwich has less than 2 ounces of meat/meat alternate	Supper	100
3/8/18	Hot dogs, carrots, applesauce, milk	Hot dogs have less than 2 ounces of meat/meat alternate	Supper	87
3/12/18	Uncrustable peanut butter and jelly sandwich, carrots, mandarin oranges, milk	Uncrustable sandwich has less than 2 ounces of meat/meat alternate	Lunch	51
3/15/18	Hot dogs, carrots, applesauce, milk	Hot dogs have less than 2 ounces of meat/meat alternate	Lunch	34
3/26/18 <sup>1</sup>	Uncrustable peanut butter and jelly sandwich, carrots, mandarin oranges, milk	Uncrustable sandwich has less than 2 ounces of meat/meat alternate	Lunch	62
3/29/18	Hot dogs, carrots, applesauce, milk	Hot dogs have less than 2 ounces of meat/meat alternate	Lunch	53
<b>Total disallowable lunch meals</b>				<b>200</b>
<b>Total disallowable supper meals</b>				<b>278</b>

<sup>1</sup> Observed meal

As a result, 200 lunch meals and 278 supper meals served were disallowed. (See Exhibit )

***This is a repeat finding from the previous report dated January 4, 2018***

Criteria

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

Recommendation

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

## **2. The Sponsor reported the number of attendance days incorrectly**

### Condition

**Tucker** – sample feeding site

The Claim for Reimbursement for the test month reported 3,899 participant days at the Tucker Unite site. However, based on our review of the Sponsor's records, we found that there were 2,696 participant days.

### Criteria

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

### Recommendation

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

## **3. The Sponsor did not serve a whole grain component once per day as required**

### Condition

**Tucker** – *sample site*

The Sponsor did not provide menus that included a whole grain-rich food item for March 1, 2, 6- 9, 13-16, 20, 21, 23, 27-29, or 30, 2018.

No meals or supplements were disallowed based on this finding due to the one year transition period granted for the updated meal pattern requirements established as of October 1, 2017.

### Criteria

*Title 7 of the Code of Federal Regulations, Section 226.20(a)(4)(a)(b)* states, "At least one serving per day, across all eating occasions of bread, cereals, and grains, must be whole grain-rich. Whole grain-rich foods contain at least 50 percent whole grains and the remaining grains in the food are enriched, and must meet the whole grain-rich criteria specified in FNS guidance."

### Recommendation

The Sponsor should ensure menus meet the meal patterns established by the USDA

## **4. The Sponsor did not have the "And Justice for All" poster displayed**

### Condition

During our on-site visit at **Tucker** feeding site on March 26, 2018, the "And Justice For All" poster was not posted.

### Criteria

Food & Nutrition Service (FNS) Instruction 113-1(IX)(B) states, "Each State agency, local agency, or other subrecipient serving the public must take the actions below to inform the general public, potentially eligible populations, community leaders, grassroots organizations, and referral sources about FNS programs and applicable CR requirements. 1) Prominently display the USDA nondiscrimination poster "And Justice for All," or an FNS approved substitute, except in family day care homes. If a State agency elects to produce its own posters, either due to unavailability from USDA/FNS or State agency preference, the reproduction must be approximately the same size as the applicable "And Justice for All" poster (11" width and 17" height)."

### Recommendation

The Sponsor should ensure that the "And Justice for All" poster is prominently displayed at all sites as required.

## **5. The Sponsor did not adequately complete monitoring as required**

### Condition

The Sponsor failed to obtain site supervisor's signatures on the monitoring forms indicating the site supervisor's involvement with the monitoring activities for both **Painter** and **Tucker**.

### Criteria

*Title 7 of the Code of Federal Regulations, Section 226.15(e)* states, "Each institution shall establish procedures to collect and maintain all program records required under this part, as well as any records required by the State agency."

### Recommendation

The Sponsor must ensure site supervisors sign monitoring forms to document their participation in monitoring activities.

**Observation:** During observation of the lunch served at Tucker on March 26, 2018, the lunch tables were not cleaned between groups. Only the first group of participants that were served ate at a clean and sanitary table.

**Note:** Our observation of the meal service at **Painter** on March 26, 2018 revealed no deficiencies.

## Technical Assistance Provided

During our visit on March 26, 2018, technical assistance was provided regarding meat and meat alternative products for the participant age group, and keeping Child Nutrition labels.

During our visit on April 11, 2018, technical assistance was provided regarding meat and meat alternative products, and regarding the requirements for whole grain items daily when meals other than snacks only are served. We sent a follow-up email that included the protein content in common foods and a table with the meal pattern guidelines effective October 1, 2018.

## Disallowed Meals Cost

Based on the review, we determined that the Sponsor's noncompliance with the applicable Federal and State regulations that govern the CACFP resulted in a total disallowed cost of \$1,877.10.

## Corrective Action

The Sponsor must complete the following actions within 30 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 March 2018 which contains the verified claim data from the enclosed exhibit;
- Remit a check payable to the **Tennessee Department of Human Services** in the amount of \$1,877.10 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](mailto:AuditServices.CAPS.DHS@tn.gov)

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

Allette Vayda, Director of Operations  
Child and Adult Care Food Program  
8th Floor Citizens Plaza Building  
400 Deaderick Street  
Nashville, Tennessee 37243  
[Allette.Vayda@tn.gov](mailto:Allette.Vayda@tn.gov)  
(615) 313-3769

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

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

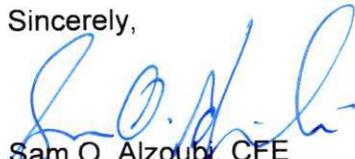
In accordance with the federal regulation found at 7 CFR Part 226.6 (k), your institution may appeal the amount of disallowed cost identified in this monitoring report. The procedures for submitting an appeal are enclosed. The appeal must be submitted to:

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

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

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

Sincerely,



Sam O. Alzoubi, CFE  
Director of Audit Services

Exhibits

cc: Derrick Kinsey, CEO, Boys and Girls Clubs of Cleveland  
Beth Kinsey, CFO, Boys and Girls Clubs of Cleveland  
Sandy Payne, Director of Grants, Boys and Girls Clubs of Cleveland  
Wyatt Bevis, Director of Operations, Boys and Girls Clubs of Cleveland  
Allette Vayda, Director of Operations, Child and Adult Care Food Program  
Debra Pasta, Program Manager, Child and Adult Care Food Program  
Constance Moore, Program Specialist, Child and Adult Care Food Program  
Elke Moore, Administrative Service Assistant 3, Child and Adult Care Food Program  
Marty Widner, Program Specialist, Child and Adult Care Food Program  
Comptroller of the Treasury, State of Tennessee

**EXHIBIT A****Verification of CACFP Sponsor of At Risk Afterschool Meals Program**

Name of Agency: Boys and Girls Clubs of Cleveland

Review Month/Year: March 2018

Total Meal Reimbursement Received: \$13,984.03

Site Meal Service Activity and Monitor Reconciliation	Reported on Claim	Reconciled to documentation
Total Days of CACFP Food Service	21	21
Total Number of Sites	8	8
Number of Lunches Served	615	415
Number of Supplements Served	4,205	4,205
Number of Suppers Served	2,355	2,077
Total Amount of Food Costs	XXXXXX	\$13,246.68
Total Amount of Eligible Food and Nonfood Costs	XXXXXX	\$15,687.16

**EXHIBIT B****Verification of Site**

Site: Painter Unit

Site Meal Service Activity and Monitor Reconciliation	Reported on Claim	Reconciled to documentation
Total Days of CACFP Food Service	21	21
Total Attendance	579	579
Number of Supplements Served	579	579

**EXHIBIT C**

**Verification of Site**

**Site: Tucker Unit**

<b>Site Meal Service Activity and Monitor Reconciliation</b>	<b>Reported on Claim</b>	<b>Reconciled to documentation</b>
Total Days of CACFP Food Service	21	21
Total Attendance	3,899	2,696
Number of Lunches Served	479	279
Number of Supplements Served	663	663
Number of Suppers Served	954	676



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COMMISSIONER

May 16, 2018

Todd Farrell, Board Chair  
Boys and Girls Clubs of Cleveland  
385 Third Street Southwest  
Cleveland, TN 37311-5977

**Notice of payment due to findings disclosed in the monitoring report dated May 16, 2018 for Child and Adult Care Food Program (CACFP)**

Institution Name:	Boys and Girls Clubs of Cleveland
Institution Address:	385 Third Street Southwest Cleveland, TN 37311-5977
Agreement Numbers:	00-175
Amount Due:	\$1,877.10
Due Date:	June 18, 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 11<sup>th</sup> Floor  
Citizens Plaza Building  
400 Deaderick Street  
Nashville, Tennessee 37243-1403  
Tennessee Department of Human Services**

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

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

Thank you for your attention



# Corrective Action Plan for Monitoring Findings

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

## Section A. Institution Information

Name of Sponsor/Agency/Site: Boys and Girls Clubs of Cleveland	Agreement No. 00175	<input type="checkbox"/> SFSP <input checked="" type="checkbox"/> CACFP
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Mailing Address: 385 Third Street Southwest Cleveland, Tennessee 37311-5977

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

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

Monitoring Report: 5/16/2018	Corrective Action Plan: 5/16/2018
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## Section D. Findings

Findings:

1. The Sponsor provided menus that did not meet USDA meal pattern requirements
2. The Sponsor reported the number of attendance days incorrectly
3. The Sponsor did not serve a whole grain component once per day as required
4. The Sponsor did not have the "And Justice for All" poster displayed
5. The Sponsor did not adequately complete monitoring as required

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 provided menus that did not meet 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:

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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?):

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

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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:

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**Measure No.2: The Sponsor reported the number of attendance days 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:

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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?):

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

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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:

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**Measure No. 3: The Sponsor did not serve a whole grain component once per day 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:

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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?):

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

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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:

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**Measure No. 4: The Sponsor did not have the "And Justice for All" poster displayed**

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:

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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?):

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

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

**Measure No. 5: The Sponsor did not adequately complete monitoring 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:

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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?):

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

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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:

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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 Food Program-Institutions  
Revised March 2017**

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

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

3. All appeal requests must be presented in writing to the TDHS Division of Appeals and Hearings not later than 15 calendar days after the date the institution or sponsoring agency receives the notice of adverse administrative action.

4. The date of an institution's or sponsoring agency's receipt of a notice of suspension and/or proposed termination and disqualification will be governed by the federal regulation at 7 CFR Part 226.2. The notice must specify the action being proposed or taken and the basis for the action, and is considered to be received by the institution or day care home when it is delivered, sent by facsimile, or sent by email. If the notice is undeliverable, it is considered to be received by the institution, responsible principal or responsible individual, or day care home five days after being sent to the addressee's last known mailing address, facsimile number, or email address.

5. The TDHS Division of Appeals and Hearings will acknowledge the receipt of the appeal request within 10 calendar days of the receipt of the institution's or sponsoring agency's request for review. The written request for review should state if a fair hearing is requested or if a review of written information in lieu of a fair hearing is requested. If the appeal request from the institution or sponsoring agency does not specifically request a hearing, a review of written information in lieu of a hearing will occur. If a fair hearing is requested and the institution or sponsoring agency's representative fails to appear, the right to a personal appearance is waived.

6. If an institution or sponsoring agency does not request a fair hearing or a review of written information in lieu of the hearing within 15 calendar days from the date the institution or sponsoring agency receives a Notice of Proposed Termination, the TDHS will issue a letter advising the institution or sponsoring agency that it is terminated from the CACFP effective on the 16<sup>th</sup> 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**  
**Revised March 2017**

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**  
**Revised March 2017**

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](mailto:AppealsClerksOffice.DHS@tn.gov)**

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

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