



**STATE OF TENNESSEE**  
**DEPARTMENT OF HUMAN SERVICES**  
CITIZENS PLAZA BUILDING  
400 DEADERICK STREET  
NASHVILLE, TENNESSEE 37243-1403  
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[www.tn.gov/humanservices](http://www.tn.gov/humanservices)

**BILL HASLAM**  
GOVERNOR

**DANIELLE W. BARNES**  
COMMISSIONER

November 16, 2017

Paul Fitzgerald, Board Chair  
The Children's Home  
315 Gillespie Road  
Chattanooga, Tennessee 37411

Dear Mr. Fitzgerald,

The Department of Human Services (DHS) - Audit Services Division staff conducted an unannounced on-site visit review of the Child and Adult Care Food Program (CACFP) at The Children's Home, DBA: Chambliss Center for Children (Sponsor), Application Agreement 00-527. We reviewed the Sponsor's records of reimbursements and expenditures for August 2017. 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, application agreement, and applicable Federal and State regulations.

Based on our review of the Sponsor's records and information provided, the Sponsor had six sites operating during the August 2017. Children's Academy for Education and Learning was selected as the sample site, and we observed a pm supplement meal served on August 23, 2017. In addition, we reviewed the CACFP applications at the Chambliss Center for Children in order to get a statistically valid sample.

Background

CACFP sponsors utilize meal count sheets to record the number of meals served for 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 TDHS to be eligible for reimbursement. The CACFP sponsor reports the number of meals served through the TDHS Tennessee Information Payment System (TIPS) 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.

Our review of the Sponsor's records for August 2017 disclosed the following:

**1. The Sponsor report of number of participants in the free, reduced-price, and paid categories was incorrect**

Condition

We reviewed participants' applications at Children's Academy for Education and Learning and Chambliss Center.

Children's Academy for Education and Learning

The Sponsor reported 68 participants in the free category, one participant in the reduced-price category, and two participants in the paid category. However, based on our review of the Sponsor's records, we noted 65 free participants, two reduced-price participants and four paid participants. The differences are based on:

- Two CACFP applications that were classified as free did not have income or a valid FF case number. These two participants were reclassified as paid.
- One CACFP application that was classified as paid based on income, was reclassified as reduced-price.
- One CACFP application that was classified as free did not have an adult's last four digits of their Social Security number listed on the application. This participant was reclassified as paid.

Chambliss

The Sponsor reported 231 participants in the free category, 60 participant in the reduced-price category, and 28 participants in the paid category. However, based on our review of the Sponsor's records, we noted 224 free participants, 60 reduced-price participants and 35 paid participants. The differences are based on:

- Two CACFP applications that were classified as free had a Determining Official's signature over 12 months old. These participants were reclassified as paid.
- Two CACFP applications that were classified as free did not have an adult's signature. These two participants were reclassified as paid.
- One CACFP application that was classified as paid based on income was reclassified as reduced-price.
- Three participants classified as free and one participant classified as reduced-price did not have an application on file. These four participants were reclassified as paid.

This is a repeat finding from a previous report dated July 20, 2015.

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 CACFP applications are complete, current, and classified correctly.

### **2. The Sponsor reported incorrect meal counts at Children's Academy for Education and Learning**

#### Condition

The Sponsor claimed 860 free, 12 reduced-price and 26 paid breakfast meals as served for August 2017. However, based on review of the Sponsor's records, we determined that 831 free, 31 reduced-price, and 36 paid breakfast meals were served. The differences are due the change in meals for the reclassification of participants. As a result, 29 free breakfast meals were overreported, and 19 reduced-price and ten free breakfast meals served were underreported. (See Exhibits A & B)

The Sponsor claimed 972 free, 14 reduced-price and 29 paid lunch meals as served for August 2017. However, the records provided by the Sponsor showed that 941 free, 38 reduced-price and 36 paid lunch meals were served. The differences are due to the change in meals for the reclassification of participants. As a result, 31 free lunch meals were overreported, and 24 reduced-price and seven free lunch meals served were underreported. (See Exhibits A & B)

The Sponsor claimed 885 free, 13 reduced-price and 27 paid supplements as served for August 2017. However, the records provided by the Sponsor showed that 863 free, 27 reduced-price and 35 paid supplements were served. The differences are due to the change in meals for the reclassification of participants. As a result, 22 free supplements were overreported, and 14 reduced-price and eight free supplements served were underreported. (See Exhibits A & B)

This is a repeat finding from a previous report dated July 20, 2015.

#### 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 meal counts are accurate and claims for reimbursement are correct.

### **3. One menu did not meet USDA meal pattern requirements**

#### Condition

The breakfast menu for Children's Academy for Education and Learning on August 25, 2017 reported Cereal, Cinnamon Toast and 100% Juice as being served. Milk was not documented as being served.

As a result, 41 free, one reduced-price, and two paid breakfast meals served were disallowed. (See Exhibits A & B)

## Criteria

*Title 7 of the Code of Federal Regulations, Section 226.20 (a)* states, "... each meal served in the Program must contain ... (1) *Fluid milk*. Fluid milk must be served as a beverage or on cereal, or a combination of both, as follows:

- (i) *Children 1 year old*. Children one year of age must be served unflavored whole milk.
- (ii) *Children 2 through 5 years old*. Children two through five years old must be served either unflavored low-fat (1 percent) or unflavored fat-free (skim) milk.
- (iii) *Children 6 years old and older*. Children six years old and older must be served unflavored low-fat (1 percent), unflavored fat-free (skim), or flavored fat-free (skim) milk. ..."

## Recommendation

The Sponsor should ensure all meals served meet the meal patterns established by the USDA.

### **4. The Sponsor did not complete monitoring as required**

#### Condition

The monitoring at Children's Academy for Education and Learning was not completed as required. The last three monitoring dates were December 21, 2015, March 16, 2016, and January 30, 2017. Sponsoring organizations must review each facility three times each year.

This is a repeat finding from a previous report dated July 20, 2015.

#### Criteria

*Title 7 of the Code of Federal Regulations, Section 226.16 (d)(4)(i)(F)(iii)* states, "*Frequency and type of required facility reviews*. Sponsoring organizations must review each facility three times each year, except as described in paragraph (d)(4)(iv) of this section. In addition:

- (A) At least two of the three reviews must be unannounced;
- (B) At least one unannounced review must include observation of a meal service;
- (C) At least one review must be made during each new facility's first four weeks of Program operations; and
- (D) Not more than six months may elapse between reviews."

#### Recommendation

The Sponsor should ensure that the monitoring forms are completed properly and that all required monitoring is conducted each year.

### **Technical Assistance Provided**

The Sponsor did not request any technical assistance during our review.

### **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 \$136.60.

### **Corrective Action**

The Children's Home 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 the Children's Academy for Education and Learning site for August 2017 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 \$136.60 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  
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)

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  
(615) 313-3769

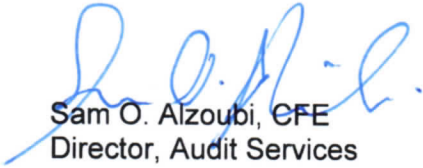
In accordance with the federal regulation found at *7 CFR Part 226.6 (k)*, your institution may appeal the amount of disallowed cost identified in this monitoring report. The procedures for submitting an appeal are enclosed. The appeal must be submitted to:

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, 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, Audit Services

Exhibits

- cc: Phil Acord, CEO, The Children's Home  
Kim Hamill, Financial Services Assistant, The Children's Home  
Allette Vayda, Director, 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 Programs  
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****Verification of CACFP Sponsor Claim****Name of Center: Children's Home****Review Month / Year: August 2017****Total Meal Reimbursement Received: \$45,929.91**

<b>Site Meal Service Activity and Monitor Reconciliation</b>	<b>Reported on Claim</b>	<b>Reconciled to Provided Documentation</b>
Number of days of CACFP operation	23	23
Total Attendance	8,188	8,188
Number of Participants in the Free Category	479	469
Number of Participants in the Reduced-Price Category	66	67
Number of Participants in the Paid Category	36	45
Number of Breakfasts Served to Free Participants	3,304	3,234
Number of Breakfasts Served to Reduced-Price Participants	184	202
Number of Breakfasts Served to Paid Participants	164	172
Number of Lunches Served to Free Participants	5,923	5,892
Number of Lunches Served to Reduced-Price Participants	740	764
Number of Lunches Served to Paid Participants	431	438
Number of Supplements Served to Free Participants	5,288	5,266
Number of Supplements Served to Reduced-Price Participants	639	653
Number of Supplements Served to Paid Participants	369	377
Total Amount of Food Costs	XXXXXXX	\$35,843.11
Total Amount of Eligible Food and Nonfood Costs	XXXXXXX	\$49,560.29

**EXHIBIT B****Verification of CACFP Sponsored Center Claim (Actual Count)****Name of Center: Children's Academy for Education and Learning  
Review Month / Year: August 2017**

<b>Site Meal Service Activity and Monitor Reconciliation</b>	<b>Reported on Claim</b>	<b>Reconciled to Provided Documentation</b>
Number of days of CACFP operation	23	23
Total Attendance	1,016	1,016
Number of Participants in the Free Category	68	65
Number of Participants in the Reduced-Price Category	1	2
Number of Participants in the Paid Category	2	4
Number of Breakfasts Served to Free Participants	860	790
Number of Breakfasts Served to Reduced-Price Participants	12	30
Number of Breakfasts Served to Paid Participants	26	34
Number of Lunches Served to Free Participants	972	941
Number of Lunches Served to Reduced-Price Participants	14	38
Number of Lunches Served to Paid Participants	29	36
Number of Supplements Served to Free Participants	885	863
Number of Supplements Served to Reduced-Price Participants	13	27
Number of Supplements Served to Paid Participants	27	35



## EXHIBIT C

### Verification of CACFP Sponsored Center Claim

**Name of Center: Chambliss Center for Children**  
**Review Month / Year: August 2017**

<b>Site Meal Service Activity and Monitor Reconciliation</b>	<b>Reported on Claim</b>	<b>Reconciled to Provided Documentation<sup>1</sup></b>
Number of Participants in the Free Category	231	224
Number of Participants in the Reduced-Price Category	60	60
Number of Participants in the Paid Category	28	35

<sup>1</sup>Reviewed CACFP applications only at this site to meet the valid statistical sampling of CACFP applications.



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COMMISSIONER

November 16, 2017

Paul Fitzgerald, Board Chair  
The Children's Home  
315 Gillespie Road  
Chattanooga, Tennessee 37411

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

Institution Name:	The Children's Home
Institution Address:	315 Gillespie Road Chattanooga, Tennessee 37411
Agreement Number:	00-527
Amount Due:	\$136.60
Due Date:	December 18, 2017

Based on the monitoring report issued on November 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 your institution to reimburse the Department of Human Services for disallowed meals cost.

Please remit a check or money order payable to the *Tennessee Department of Human Services* in the amount of \$136.60 by the due date to:

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

Please note that the disallowed 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 the 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, Community and Social Services - Food Programs - CACFP & SFSP at (615) 313-3769 or [Allette.Vayda@tn.gov](mailto: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: The Children's Home	Agreement No. 00-527	<input type="checkbox"/> SFSP <input checked="" type="checkbox"/> CACFP
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Mailing Address: 315 Gillespie Road Chattanooga, Tennessee 37411

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

Name and Title: Paul Fitzgerald, Board Chair	Date of Birth: / /
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**Section C. Dates of Issuance of Monitoring Report/Corrective Action Plan**

Monitoring Report: 11/16/2017	Corrective Action Plan: 11/16/2017
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**Section D. Findings**

Findings:

- 1. The Sponsor report of number of participants in the free, reduced-price, and paid categories was incorrect**
- 2. The Sponsor reported incorrect meal counts at Children's Academy for Education and Learning**
- 3. One menu did not meet USDA meal pattern requirements**
- 4. The Sponsor did not 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 report of number of participants 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:

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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 incorrect meal counts at Children’s Academy for Education and Learning**

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: One menu 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:

**Measure No. 4: The Sponsor did not 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:

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: / /



- (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.