



**STATE OF TENNESSEE  
DEPARTMENT OF HUMAN SERVICES**

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**BILL HASLAM**  
GOVERNOR

**DANIELLE W. BARNES**  
COMMISSIONER

**Certified Mail - Return Receipt # 7017066000035706811**

September 6, 2018

Kevin Adams, Senior Pastor  
Joe Jackson, Executive Director  
Olivet Baptist Church  
740 East Martin Luther King Boulevard  
Chattanooga, Tennessee 37403

**RE: Notice of Serious Deficiency for Summer Food Services Program (SFSP) Agreement Number 00-058 and Demand for Overpayment**

Dear Rev. Adams and Mr. Jackson,

The Department of Human Services (DHS) – Division of Audit Services staff conducted an unannounced on-site monitoring review of the Summer Food Services Program (SFSP) at Olivet Baptist Church (Sponsor), Application Agreement 00-058, on July 24, 2018. The purpose of this review was to determine if the Sponsor complied with the *Title 7 of the Code of Federal Regulations* (CFR) applicable parts, provider agreement, and applicable Federal and State regulations.

Based on our review of the Sponsor's records and information provided, the Sponsor had 15 feeding sites operating during the review period. East Lake Courts Summer (**East Lake**), Howard School of Academics Technology (**Howard School**), and Orchard Knob Middle School (**Orchard Knob**) sites were selected as the sample.

**Background**

SFSP Sponsors utilize meal count sheets to record the number of breakfast, lunch, supper, and supplement meals served. Meals served by participating Sponsors must meet the minimum guidelines set by the United States Department of Agriculture (USDA) and DHS to be eligible for reimbursement. The SFSP Sponsor reports the number of meals served through the DHS Tennessee Information Payment System (TIPS) to seek reimbursement. We inspected meal counts sheets for our test period and reconciled the meals claimed to the meals reported as served for each meal service. We also assessed

compliance with civil rights requirements. In addition, we observed meal services during our site visits throughout the review period.

## **SERIOUS DEFICIENCY DETERMINATION**

Based on the monitoring review, the Department has determined that Olivet Baptist Church is seriously deficient in its operation of the SFSP. In addition, the Department has identified Kevin Adams, Senior Pastor and Joe Jackson, Executive Director as responsible for the serious deficiencies in light of their responsibility for the overall management of Olivet Baptist Church's SFSP.

If Olivet Baptist Church does not fully and permanently correct all of the serious deficiencies and submit documentation of the corrective action by the due date, the Department will:

- Propose to terminate Olivet Baptist Church's, agreement to participate in the SFSP.

The authorization for this action is found in Paragraph 2.m. of your SFSP Provider Agreement and in the SFSP regulations at 7 C.F.R. § 225.11(c). You may not appeal a finding of serious deficiency.

## **SERIOUS DEFICIENCIES AND REQUIRED CORRECTIVE ACTION**

The following paragraphs detail each serious deficiency and the corrective action required.

Our review of the Sponsor's records for June 2018 disclosed the following:

### **1. The Sponsor reported the number of meals as served incorrectly**

#### **This is a Serious Deficiency**

##### Condition

##### ***Camp Zoe II***

The Claim for Reimbursement for **Camp Zoe II** for the test month reported 1,244 1<sup>st</sup> breakfast meals, 116 2<sup>nd</sup> breakfast meals, 1,244 1<sup>st</sup> lunch meals, and 116 2<sup>nd</sup> lunch meals served. However, based on our review of the Sponsor's records, we found that there were 1,127 1<sup>st</sup> breakfast meals, 116 2<sup>nd</sup> breakfast meals, 1,154 1<sup>st</sup> lunch meals, and 104 2<sup>nd</sup> lunch meals served prior to any meal disallowances. The 2<sup>nd</sup> meals served are capped at two percent of the first meals reported.

As a result, 117 1<sup>st</sup> breakfast meals and 90 1<sup>st</sup> lunch meals served were over claimed. (See Exhibit D)

##### ***Church of the First Born***

The Claim for Reimbursement for **Church of the First Born** for the test month reported 2,145 1<sup>st</sup> breakfast meals, 155 2<sup>nd</sup> breakfast meals, 2,169 1<sup>st</sup> lunch meals, and 86 2<sup>nd</sup> lunch meals served. However, based on our review of the Sponsor's records, we found that there were 2,142 1<sup>st</sup> breakfast meals, 148 2<sup>nd</sup> breakfast meals, 1,832 1<sup>st</sup> lunch meals, and 104 2<sup>nd</sup> lunch meals served prior to any disallowances. The 2<sup>nd</sup> meals served are capped at two percent of the first meals reported.

As a result, three 1<sup>st</sup> breakfast meals and 337 1<sup>st</sup> lunch meals served were over claimed. (See Exhibit E)

##### ***East Lake - sample site***

The Claim for Reimbursement for **East Lake** for the test month reported 600 breakfast meals and 600 lunch meals served. However, based on our review of the Sponsor's records, we found that there were 270 breakfast meals and 240 lunch meals served prior to any meal disallowances. As a result, 330 breakfast meals and 360 lunch meals served were over claimed. (See Exhibit G)

***Howard School - sample site***

The Claim for Reimbursement for **Howard School** for the test month reported 1,070 1<sup>st</sup> breakfast meals, 90 2<sup>nd</sup> breakfast meals, 1,073 1<sup>st</sup> lunch meals, and 87 2<sup>nd</sup> lunch meals served. However, based on our review of the Sponsor's records, we found that there were 690 1<sup>st</sup> breakfast meals, 110 2<sup>nd</sup> breakfast meals, 763 1<sup>st</sup> lunch meals, and 91 2<sup>nd</sup> lunch meals served prior to any meal disallowances. The 2<sup>nd</sup> meals served are capped at two percent of the first meals reported. As a result, 380 1<sup>st</sup> breakfast meals and 310 1<sup>st</sup> lunch meals served were over claimed. (See Exhibit H)

***OBC Children's Church***

The Claim for Reimbursement for **OBC Children's Church** for the test month reported 316 lunch meals served. However, based on our review of the Sponsor's records, we found that there were no meal count records available for review.

As a result 316 lunch meals served were over claimed. (See Exhibit I)

***OBC Vacation Bible School***

The Claim for Reimbursement for **OBC Vacation Bible School** for the test month reported 320 supper meals served. However, based on our review of the Sponsor's records, we found that there 322 supper meals served prior to any disallowances.

As a result, two supper meals served were under claimed. (See Exhibit K)

***Orchard Knob – sample site***

The Claim for Reimbursement for **Orchard Knob** for the test month reported 1,170 1<sup>st</sup> breakfast meals, 110 2<sup>nd</sup> breakfast meals, 1,177 1<sup>st</sup> lunch meals, and 103 2<sup>nd</sup> lunch meals served. However, based on our review of the Sponsor's records, we found that there were 826 1<sup>st</sup> breakfast meals, 242 2<sup>nd</sup> breakfast meals, 804 1<sup>st</sup> lunch meals, and 229 2<sup>nd</sup> lunch meals served prior to any meal disallowances. The 2<sup>nd</sup> meals served are capped at two percent of the first meals reported.

As a result, 344 1<sup>st</sup> breakfast meals and 373 1<sup>st</sup> lunch meals served were over claimed. (See Exhibit L)

***Proverbs House***

The Claim for Reimbursement for **Proverbs House** for the test month reported 552 1<sup>st</sup> breakfast meals, 48 2<sup>nd</sup> breakfast meals, 552 1<sup>st</sup> lunch meals, and 48 2<sup>nd</sup> lunch meals served. However, based on our review of the Sponsor's records, we found that there were 453 1<sup>st</sup> breakfast meals, zero 2<sup>nd</sup> breakfast meals, 453 1<sup>st</sup> lunch meals, and zero 2<sup>nd</sup> lunch meals served prior to any meal disallowances.

As a result, 99 1<sup>st</sup> breakfast meals and 99 2<sup>nd</sup> lunch meals served were over claimed, and no 2<sup>nd</sup> meals will be allowed. (See Exhibit M)

As a result, 350 supper meals served were over claimed. (See Exhibit N)

### ***World Restoration Center VBS***

The Claim for Reimbursement for **World Restoration Center VBS** for the test month reported 620 1<sup>st</sup> supper meals and five 2<sup>nd</sup> supper meals served. However, based on our review of the Sponsor's records, we found that there were 620 1<sup>st</sup> supper meals served and zero 2<sup>nd</sup> supper meals served prior to any meal disallowances.

As a result, five 2<sup>nd</sup> supper meals served were over claimed, and no 2<sup>nd</sup> suppers are allowed. (See Exhibit O)

### Criteria

*Title 7 of the Code of Federal Regulations, Section 225.9 (d)(5)* states, "Claims for reimbursement shall report information in accordance with the financial management system established by the State agency, and in sufficient detail to justify the reimbursement claimed and to enable the State agency to provide the Reports of Summer Food Service Program Operations required under §225.8(b). In submitting a claim for reimbursement, each sponsor shall certify that the claim is correct and that records are available to support this claim...."

*Title 7 of the Code of Federal Regulations, Section 225.15(c)(1)* states, "Sponsors shall maintain accurate records which justify all costs and meals claimed. Failure to maintain such records may be grounds for denial of reimbursement for meals served and/or administrative costs claimed during the period covered by the records in question...."

The USDA SFSP Administration Guide, page 66, states, "In addition to serving meals that meet meal pattern requirements, sponsors must comply with the following rules when serving meals at each of their sites: Attachments 18, 19, and 20 are sample meal count forms. Attachment 18 is a daily meal count form. Attachment 19 is a weekly, consolidated meal count form. Attachment 20 is a consolidated form for 20 days that also provides guidance on calculating reimbursable second meals. A training session attendance sign-in sheet for site personnel can be used by sponsors to assemble a list of the signatures of the site supervisors and assistants who are responsible for signing daily records. Sponsors can use these lists when reviewing the records returned by the sites to ensure that the proper person is signing the daily records. Daily meal count sheets are required; however, the weekly consolidated meal count form is not."

The USDA SFSP Administration Guide, page 139, states, "Sponsors must keep full and accurate records so they can substantiate the number of Program meals that they have submitted on each claim for reimbursement and that SFSP funds are used only for allowable SFSP costs. Records must also be kept to confirm the sponsor is in good standing with all Program requirements. All sponsors must use daily site records in order to document the number of Program meals they have served to children. The sponsor must provide all necessary record sheets to the sites. Site supervisors are then responsible for keeping the records each day. The site personnel must complete the records based on actual counts taken at each site for each meal service on each day of operation. Site personnel must be sure that they record all required counts...."

### Recommendation

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

2. **The Sponsor provided meal count sheets that did not contain the site supervisor signature (approval)**

Condition

***Bethel Bible Village***

The Claim for Reimbursement for **Bethel Bible Village** for the test month reported 570 lunch meals and 570 supplements as served. However, based on our review of the Sponsor's records, we found that there were no signed and dated daily meal count sheets available for review.

As a result, 570 lunch meals and 570 supplements were disallowed. (See Exhibit B)

***Bridge Youth Program***

The Claim for Reimbursement for **Bridge Youth Program** for the test month reported 160 breakfast meals and 160 lunch meals served. However, based on our review of the Sponsor's records, we found that there were no signed and dated daily meal count sheets available for review.

As a result, 160 lunch meals and 160 supplements were disallowed. (See Exhibit C)

***Dalewood Middle School***

The Claim for Reimbursement for **Dalewood Middle School** for the test month reported 369 breakfast meals and 369 lunch meals served. However, based on our review of the Sponsor's records, we found that there were no signed and dated daily meal count sheets available for review.

As a result, 369 breakfast meals and 369 lunch meals were disallowed. (See Exhibit F)

***OBC Gap Standers***

The Claim for Reimbursement for **OBC Gap Standers** for the test month reported 120 supper meals served. However, based on our review of the Sponsor's records, we found that there were no signed and dated daily meal count sheets available for review.

As a result, 120 supper meals were disallowed. (See Exhibit J)

***St. Elmo Baptist Church VBS***

The Claim for Reimbursement for **St. Elmo Baptist Church VBS** for the test month reported 350 supper meals served. However, based on our review of the Sponsor's records, we found that there were no signed and dated daily meal count sheets available for review.

Criteria

*Title 7 of the Code of Federal Regulations, Section 225.15(c)(1)* states, "Sponsors shall maintain accurate records which justify all costs and meals claimed. Failure to maintain such records may be grounds for denial of reimbursement for meals served and/or administrative costs claimed during the period covered by the records in question...."

The *Administration Guide Summer Food Service Program 2016*, pages 139 and 184, states, in part, all sponsors must use daily site records in order to document the number of program meals they have served to children. The sponsor must provide all necessary record sheets to the sites. Site supervisors

are then responsible for keeping the records each day. They may have their monitors pick up site reports on designated days, or the site supervisors may mail the records to the sponsor's office. When they collect the site records, sponsors should check for the site supervisor's signature.

The USDA SFSP Administration Guide, page 139, states, "Sponsors must keep full and accurate records so they can substantiate the number of Program meals that they have submitted on each claim for reimbursement and that SFSP funds are used only for allowable SFSP costs. Records must also be kept to confirm the sponsor is in good standing with all Program requirements. All sponsors must use daily site records in order to document the number of Program meals they have served to children. The sponsor must provide all necessary record sheets to the sites. Site supervisors are then responsible for keeping the records each day. The site personnel must complete the records based on actual counts taken at each site for each meal service on each day of operation. Site personnel must be sure that they record all required counts...."

#### Recommendation

The Sponsor should ensure that daily meal count sheets are reviewed and approved by the site supervisor.

### **3. The Sponsor claimed more meals than what we observed during our on-site visit**

#### Condition

During our on-site monitoring visit at **Howard School** on June 7, 2018, we observed 35 lunch meals served. The Sponsor delivered 49 lunch meals and claimed all 49 meals.

As a result, 14 lunch meals were overreported. These 14 lunches were disallowed due to over claimed meals in Finding 1.

#### Criteria

*Title 7 of the Code of Federal Regulations, Section 225.15(c)(1)* states, "Sponsors shall maintain accurate records which justify all costs and meals claimed. Failure to maintain such records may be grounds for denial of reimbursement for meals served and/or administrative costs claimed during the period covered by the records in question...."

#### Recommendation

The Sponsor should ensure that the number of meals reported is based on the actual number of meals served.

### **4. The Sponsor did not provide creditable menus for the review period**

#### Condition

The Sponsor stated that the printed menus provided during the sponsor review visit did not show the actual foods served during the review month, but was instead a sample menu used during the SFSP sponsorship application process. The Sponsor stated a menu did not exist showing the exact foods served for breakfast, lunch, supper, and snacks for each program day. Only menus for the East Lake sample site were provided. Meals were disallowed due to lack of supporting documentation as follows:

Site	Meals Documented and Disallowed	Exhibit
Camp Zoe II	1,127 breakfast; 1,154 lunches	D
Church of the First Born	2,142 breakfasts; 1,832 lunches	E
East Lake	253 breakfasts; 240 lunches	G
Howard School	690 breakfasts; 728 lunches	H
OBC Vacation Bible School	322 suppers	K
Orchard Knob	826 breakfasts; 762 lunches	L
Proverbs House	453 breakfast; 453 lunches	M
World Restoration Center VBS	620 suppers	O

As a result, 5,491 breakfasts, 5,169 lunches, and 942 suppers were disallowed. All second meals will be disallowed for these sites.

### Criteria

*Title 7 of the Code of Federal Regulations, Section 225.15 (a)(4)* states, “Sponsors must maintain documentation of a nonprofit food service including copies of all revenues received and expenses paid from the nonprofit food service account....”

*Title 7 of the Code of Federal Regulations, Section 225.15 (c)(1)* states, “Sponsors shall maintain accurate records which justify all costs and meals claimed. Failure to maintain such records may be grounds for denial of reimbursement for meals served and/or administrative costs claimed during the period covered by the records in question. The sponsor's records shall be available at all times for inspection and audit by representatives of the Secretary, the Comptroller General of the United States, and the State agency for a period of three years following the date of submission of the final claim for reimbursement for the fiscal year.”

### Recommendation

The Sponsor must prepare menus that accurately reflect meals served and claimed for reimbursement, and must make those records available for review.

## **5. The Sponsor provided questionable and unreliable meal count sheets**

### **This is a Serious Deficiency**

The Sponsor provided daily meal count sheets for **Howard School** for both breakfast and lunch dated June 11-15, 2018, for breakfast June 18, 2018, for breakfast and lunch June 25-27, 2018, and for breakfast June 28, 2018 that had altered total first meal counts and meal counts that totaled a significantly higher number than the meals received/prepared.

The Sponsor provided daily meal count sheets for Camp Zoe II for breakfast June 1, 2018 June 4-8, 2018 and lunch May 29-June 1, 2018 June 4-7, 2018 that reported 20 meals prepared/delivered but had point of service counts in excess of 30 meals. The Sponsor only claimed 20 meals for these days.

Because several of the meals count sheets were altered, we could not verify the accuracy of these meal count sheets and the number of meals actually served. Therefore, we could not reasonably rely on the Sponsor's records in determining the completeness and accuracy of the claim for reimbursement.

Criteria

*Title 7 of the Code of Federal Regulations, Section 225.9 (d)(5)* states, “Claims for reimbursement shall report information in accordance with the financial management system established by the State agency, and in sufficient detail to justify the reimbursement claimed and to enable the State agency to provide the Reports of Summer Food Service Program Operations required under §225.8(b). In submitting a claim for reimbursement, each sponsor shall certify that the claim is correct and that records are available to support this claim....”

*Title 7 of the Code of Federal Regulations, Section 225.15(c)(1)* states, “Sponsors shall maintain accurate records which justify all costs and meals claimed. Failure to maintain such records may be grounds for denial of reimbursement for meals served and/or administrative costs claimed during the period covered by the records in question....”

Recommendation

The Sponsor should maintain proper, accurate, and reliable meals count sheets to support the claims for reimbursement.

**6. The Sponsor failed to plan and prepare meals with the objective of providing only one meal per child**

Condition

The Sponsor prepared meals in excess of what was needed to feed one participant one meal, and claimed second meals far greater than the two percent allowed. The following sites received meals exceeding the objective:

Site	Meal Type	1 <sup>st</sup> Meals Claimed	2 <sup>nd</sup> Meals Claimed	2% Allowed
Camp Zoe II	Breakfast:	1,244	116	24
	Lunch	1,244	116	24
Dalewood Middle School	Breakfast	362	38	7
	Lunch	362	38	7
Howard School	Breakfast	1,070	90	21
	Lunch	1,073	87	21
Orchard Knob Middle School	Breakfast	1,170	110	23
	Lunch	1,177	103	23
Proverbs House	Breakfast	552	48	11
	Lunch	552	48	11

Criteria

*Title 7 of the Code of Federal Regulations, Section 225.11 (e)(1)* states, “If the State agency determines that a sponsor has failed to plan, prepare, or order meals with the objective of providing only one meal per child at each meal service at a site, the State agency shall disallow the number of children's meals prepared or ordered in excess of the number of children served.”

Recommendation

The Sponsor should adopt a system of ordering, preparing, and delivering meals with the objective of only serving one meal to each participant for each meal service.



**7. The Sponsor's site supervisor did not take meal counts at the point of service**

Condition

During our monitoring visit at **Howard School** on June 7, 2018, site personnel did not take meal counts at the point of service for the lunch meal observed. Site personnel placed a check mark on the roll sheet to indicate that both breakfast and lunch had been served to individual participants.

Criteria

The USDA SFSP Administration Guide, pages 106, states that a site supervisor's responsibilities include, "Take accurate meal counts at point of service (unless an alternate system that provides an accurate count has been approved by the State agency)."

The USDA SFSP Administration Guide, page 184, states, "Each site must take a point-of-service meal count every day..."

Recommendation

The Sponsor should train site personnel to record meals on the meal count sheets at the point of service of meals or in the use of any of other state agency approved point of service system.

**8. The Sponsor did not conduct monitoring reviews as required**

Condition

The Sponsor provided records of monitoring activities during the first four weeks of operation for each of the three sample sites, but did not document sufficient monitoring activities on the form used. The Sponsor used the SFSP Site Review Form found in the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) Summer Food Service Program 2016 *Sponsor Monitor's Guide*, but only the first page of the four-page form was used. Therefore, all information required during monitoring activities was not recorded.

Criteria

*Title 7 of the Code of Federal Regulations, Section 225.15 (d)(2)* states, "Sponsors shall review food service operations at each site at least once during the first four weeks of Program operations, and thereafter shall maintain a reasonable level of site monitoring, Sponsors shall complete a monitoring form developed by the State agency during the conduct of these reviews."

The USDA SFSP Monitor's Guide, page 5 lists monitor responsibilities that include:

- Conducting pre-operational visits for new and problem sites.
- Visiting all assigned sites within the first week of operation to ensure that the food service is operating smoothly and that any needed adjustments are made or problems resolved.
- Reviewing food service operations of all assigned sites within the first 4 weeks of operation to thoroughly examine the meal service from start to finish, correcting problems and providing additional training where necessary.

Recommendation

The Sponsor should ensure that all monitoring is completed, as required.

**9. The Sponsor did not maintain records of meals ordered, prepared, delivered to sites, and received by sites for the claim period reviewed**

### Condition

The Sponsor stated that meals were ordered via telephone the day before meal service and no record of the number of meals ordered, the number of meals prepared for delivery, or the number of meals delivered to the sites was maintained. There was a small number of site meal count sheets that recorded the number of available meals delivered.

### Criteria

*Title 7 of the Code of Federal Regulations, Section 225.15 (b)(3) states:*

“Sponsors shall plan for and prepare or order meals on the basis of participation trends with the objective of providing only one meal per child at each meal service. The sponsor shall make the adjustments necessary to achieve this objective using the results from its monitoring of sites. For sites for which approved levels of meal service have been established in accordance with §225.6(d)(2), the sponsor shall adjust the number of meals ordered or prepared with the objective of providing only one meal per child whenever the number of children attending the site is below the approved level. The sponsor shall not order or prepare meals for children at any site in excess of the site's approved level, but may order or prepare meals above the approved level if the meals are to be served to adults performing necessary food service labor in accordance with §225.9(d)(4). Records of participation and of preparation or ordering of meals shall be maintained to demonstrate positive action toward meeting this objective.”

### Recommendation

The Sponsor should establish and use a method by which meal production, shipping, and receipt are recorded and used to meet the objective of serving just one meal per participant.

## **10. The Sponsor did not provide documentation showing training for all SFSP staff occurred prior to SFSP operations**

### Condition

The Sponsor's SFSP began operation on May 29, 2018. According to the training documentation provided, training was provided on May 30-31, 2018, June 1, 2018, June 4, 2018, and June 11, 2018. As a result, not all staff members had been trained prior to the start of SFSP operations.

### Criteria

*Title 7 of the Code of Federal Regulations, Section 225.15 (d)(1) states,* “Each sponsor shall hold Program training sessions for its administrative and site personnel and shall allow no site to operate until personnel have attended at least one of these training sessions. Training of site personnel shall, at a minimum, include: the purpose of the Program; site eligibility; recordkeeping; site operations; meal pattern requirements; and the duties of a monitor. Each site shall have present at each meal service at least one person who has received this training.

### Recommendation

The Sponsor should ensure all key staff, including site supervisors, are trained before food service is to begin.

## Technical Assistance Provided

During our on-site monitoring visit technical assistance was provided. We discussed feeding outside of approved meal service, menu issues, and daily meal count sheets. A referral was also made to DHS program specialist for additional assistance.

## OVERPAYMENT - RIGHT TO APPEAL

### Disallowed Cost

Based on the review, we determined that the Sponsor's noncompliance with the applicable Federal and State regulations that govern the SFSP resulted in a total disallowed cost of \$60,736.32.

**The procedures for submitting an appeal regarding the amount of overpayment are enclosed. Please note that the appeal must be in writing and must be received by our Department no later than ten (10) calendar days from your receipt of this letter. 7 C.F.R. § 225.13(a). 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 overpayment, all appeal procedures must be followed as failure to do so may result in the denial of your request for an appeal.

### SUMMARY

The Department has determined that Olivet Baptist Church is seriously deficient in its operation of the SFSP and that identified Kevin Adams, Senior Pastor and Joe Jackson, Executive Director are responsible for the serious deficiencies.

You may not appeal the serious deficiency determination itself. If the Department proposes to terminate Olivet Baptist Church's SFSP agreement, you will be able to appeal those actions and you will be advised of your appeal rights and the appeal procedures at that time.

To provide for the full and permanent correction of the serious deficiencies and findings, please complete the following actions within thirty (30) days of your receipt of this notice:

1. Login to (TIPS) the Tennessee Information Payment System and submit a revised claim for June 2018.
2. Remit a check payable to the *Tennessee Department of Human Services* in the amount noted in the report for recovery of the amounts disallowed in this report. ***Please return the attached billing notice with your check;*** and
3. Complete and return the enclosed corrective action plan to address the findings of the monitoring review to:

Tennessee Department of Human Services  
Allette Vayda - SFSP/SFSP Unit

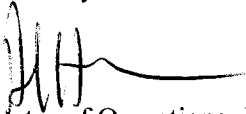
Citizens Plaza - 8th Floor  
400 Deaderick Street  
Nashville, Tennessee 37243-1403.

If the Department does not receive the corrective action plan by the deadline date, or the Department determines that the corrective action plan does not provide for the full and permanent correction of the serious deficiencies and findings, the Department will propose to terminate the Sponsor's SFSP Provider Agreement and to disqualify you and the Sponsor from future SFSP participation by issuing a Notice of Proposed Termination.

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,

Allette Vayda



Director of Operations- Food Programs

Exhibits

cc: Shawn Bramlett, Administrator, Olivet Baptist Church  
Debra Pasta, Program Manager, Summer Food Service Program  
Elke Moore, Administrative Services Assistant 3, Summer Food Service Program  
Constance Moore, Program Specialist, Summer Food Service Program  
Marty Widner, Program Specialist, Summer Food Service Program  
Comptroller of the Treasury, State of Tennessee

**Exhibit A**

**Sponsor: Olivet Baptist Church**  
**Review Month/Year: June 2018**  
**Claim Reimbursement Total: \$61,076.30**

<b>Site Meal Service Reconciliation and Monitor Activity</b>	<b>Reported on Claim</b>	<b>Reconciled to Documentation</b>
Number of Participating Sites for Breakfast	6	4
Number of Participating Sites for AM Snacks	0	0
Number of Participating Sites for Lunch	8	4
Number of Participating Sites for PM Snacks	1	0
Number of Participating Sites for Supper	3	2
Number of Breakfasts Served	7,449	17
Number of Lunches Served	8,381	77
Number of Suppers Served	2,815	0
Number of Snacks Served	570	0
Total Amount of Food Costs	XXXXXXXX	
Total Amount of Eligible Food and Nonfood Costs	XXXXXXXX	

**Exhibit B**

**Site: Bethel Bible Village**  
**Review Month/Year: June 2018**

<b>Site Meal Service Reconciliation and Monitor Activity</b>	<b>Reported on Claim</b>	<b>Reconciled to Documentation</b>
Total Number of Days Food Served	19	0
Number of 1 <sup>st</sup> Lunches Served	570	0
Number of 1 <sup>st</sup> Snacks Served	570	0

**Exhibit C**

**Site: Bridge Youth Program**

**Review Month/Year: June 2018**

<b>Site Meal Service Reconciliation and Monitor Activity</b>	<b>Reported on Claim</b>	<b>Reconciled to Documentation</b>
Total Number of Days Food Served	4	0
Number of 1 <sup>st</sup> Breakfasts Served	160	0
Number of 1 <sup>st</sup> Lunches Served	160	0

**Exhibit D**

**Site: Camp Zoe II**

**Review Month/Year: June 2018**

<b>Site Meal Service Reconciliation and Monitor Activity</b>	<b>Reported on Claim</b>	<b>Reconciled to Documentation</b>
Total Number of Days Food Served	24	24
Number of 1 <sup>st</sup> Breakfasts Served	1,244	0
Number of 2 <sup>nd</sup> Breakfasts Served	25	0
Number of 1 <sup>st</sup> Lunches Served	1,244	0
Number of 2 <sup>nd</sup> Lunches Served	25	0

**Exhibit E**

**Site: Church of the First Born**

**Review Month/Year: June 2018**

<b>Site Meal Service Reconciliation and Monitor Activity</b>	<b>Reported on Claim</b>	<b>Reconciled to Documentation</b>
Total Number of Days Food Served	20	20
Number of 1 <sup>st</sup> Breakfasts Served	2,145	0
Number of 2 <sup>nd</sup> Breakfasts Served	43	0
Number of 1 <sup>st</sup> Lunches Served	2,169	0
Number of 2 <sup>nd</sup> Lunches Served	43	0

**Exhibit F**

**Site: Dalewood Middle School**

**Review Month/Year: June 2018**

<b>Site Meal Service Reconciliation and Monitor Activity</b>	<b>Reported on Claim</b>	<b>Reconciled to Documentation</b>
Total Number of Days Food Served	8	0
Number of 1 <sup>st</sup> Breakfasts Served	362	0
Number of 2 <sup>nd</sup> Breakfasts Served	7	0
Number of 1 <sup>st</sup> Lunches Served	362	0
Number of 2 <sup>nd</sup> Lunches Served	7	0

**Exhibit G**

**Site: East Lake Courts Summer**

**Review Month/Year: June 2018**

<b>Site Meal Service Reconciliation and Monitor Activity</b>	<b>Reported on Claim</b>	<b>Reconciled to Documentation</b>
Total Number of Days Food Served	21	8
Number of 1 <sup>st</sup> Breakfasts Served	600	17
Number of 1 <sup>st</sup> Lunches Served	600	0

**Exhibit H**

**Site: Howard School of Academics Technology**

**Review Month/Year: June 2018**

<b>Site Meal Service Reconciliation and Monitor Activity</b>	<b>Reported on Claim</b>	<b>Reconciled to Documentation</b>
Total Number of Days Food Served	16	16
Number of 1 <sup>st</sup> Breakfasts Served	1,070	0
Number of 2 <sup>nd</sup> Breakfasts Served	21	0
Number of 1 <sup>st</sup> Lunches Served	1,073	35
Number of 2 <sup>nd</sup> Lunches Served	21	0

**Exhibit I**

**Site: OBC Children's Church**

**Review Month/Year: June 2018**

<b>Site Meal Service Reconciliation and Monitor Activity</b>	<b>Reported on Claim</b>	<b>Reconciled to Documentation</b>
Total Number of Days Food Served	4	0
Number of 1 <sup>st</sup> Lunches Served	310	0
Number of 2 <sup>nd</sup> Lunches Served	6	0

**Exhibit J**

**Site: OBC Gap Standers**

**Review Month/Year: June 2018**

<b>Site Meal Service Reconciliation and Monitor Activity</b>	<b>Reported on Claim</b>	<b>Reconciled to Documentation</b>
Total Number of Days Food Served	3	0
Number of 1 <sup>st</sup> Suppers Served	120	0

**Exhibit K**

**Site: OBC Vacation Bible School**

**Review Month/Year: June 2018**

<b>Site Meal Service Reconciliation and Monitor Activity</b>	<b>Reported on Claim</b>	<b>Reconciled to Documentation</b>
Total Number of Days Food Served	4	4
Number of 1 <sup>st</sup> Suppers Served	317	0
Number of 2 <sup>nd</sup> Suppers Served	3	0



**Exhibit L**

**Site: Orchard Knob Middle School**

**Review Month/Year: June 2018**

<b>Site Meal Service Reconciliation and Monitor Activity</b>	<b>Reported on Claim</b>	<b>Reconciled to Documentation</b>
Total Number of Days Food Served	16	16
Number of 1 <sup>st</sup> Breakfasts Served	1,170	0
Number of 2 <sup>nd</sup> Breakfasts Served	23	0
Number of 1 <sup>st</sup> Lunches Served	1,177	42
Number of 2 <sup>nd</sup> Lunches Served	24	0

**Exhibit M**

**Site: Proverbs House**

**Review Month/Year: June 2018**

<b>Site Meal Service Reconciliation and Monitor Activity</b>	<b>Reported on Claim</b>	<b>Reconciled to Documentation</b>
Total Number of Days Food Served	23	23
Number of 1 <sup>st</sup> Breakfasts Served	552	0
Number of 2 <sup>nd</sup> Breakfasts Served	11	0
Number of 1 <sup>st</sup> Lunches Served	552	0
Number of 2 <sup>nd</sup> Lunches Served	11	0

**Exhibit N**

**Site: St. Elmo Baptist Church VBS**

**Review Month/Year: June 2018**

<b>Site Meal Service Reconciliation and Monitor Activity</b>	<b>Reported on Claim</b>	<b>Reconciled to Documentation</b>
Total Number of Days Food Served	5	0
Number of 1 <sup>st</sup> Suppers Served	350	0

**Exhibit O**

**Site: World Restoration Center VBS**

**Review Month/Year: June 2018**

<b>Site Meal Service Reconciliation and Monitor Activity</b>	<b>Reported on Claim</b>	<b>Reconciled to Documentation</b>
Total Number of Days Food Served	5	5
Number of 1 <sup>st</sup> Suppers Served	620	0
Number of 2 <sup>nd</sup> Suppers Served	5	0

**Exhibit P**

**Site: New United Missionary Baptist**

**Review Month/Year: June 2018**

<b>Site Meal Service Reconciliation and Monitor Activity</b>	<b>Reported on Claim</b>	<b>Reconciled to Documentation</b>
Total Number of Days Food Served	4	5
Number of 1 <sup>st</sup> Suppers Served	1,367	0
Number of 2 <sup>nd</sup> Suppers Served	27	0



**STATE OF TENNESSEE  
DEPARTMENT OF HUMAN SERVICES**

CITIZENS PLAZA BUILDING  
400 DEADERICK STREET  
NASHVILLE, TENNESSEE 37243-1403

TELEPHONE: 615-313-4700 FAX: 615-741-4165  
TTY: 1-800-270-1349  
www.tn.gov/humanservices

**BILL HASLAM**  
GOVERNOR

**DANIELLE W. BARNES**  
COMMISSIONER

September 6, 2018

Kevin Adams, Senior Pastor  
Olivet Baptist Church  
740 East Martin Luther King Boulevard  
Chattanooga, Tennessee 37403

**Notice of payment due to findings disclosed in the monitoring report for Summer Food Service Program (SFSP)**

Institution Name:	Olivet Baptist Church
Institution Address:	740 E Martin Luther King Blvd., Chattanooga, Tennessee 37403
Agreement Numbers:	00-058
Amount Due:	\$60,736.32
Due Date:	October 8, 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**

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  
SUMMER FOOD SERVICE PROGRAM (SFSP)  
TENNESSEE DEPARTMENT OF HUMAN SERVICES (TDHS)**

**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 Date of Birth on the first page; enter your name, title and date of signature on the last page. Sign your name in ink. **Please return ALL pages of the completed Corrective Action Plan form.**

<b>Section A. Sponsor Information</b>	
<b>Name of Institution</b> Garden of Prayer	<b>SFSP Agreement No.</b> 00-058
<b>Mailing Address:</b> 740 East Martin Luther King Boulevard Chattanooga, Tennessee 37403	
<b>Section B. Responsible Principal(s) and/or Individual(s)</b>	
<b>Name and Title:</b> Kevin Adams, Senior Pastor Joe Jackson, Executive Director	<b>Date of Birth (s):</b>
<b>Section C. Dates of Issuance of Monitoring Report/Corrective Action Plan</b>	
<b>SD Report:</b> September 6, 2018	<b>Corrective Action Plan:</b> September 6, 2018
<b>Section D. Findings</b>	
<b>Findings:</b>	
<ol style="list-style-type: none"> <li>1. The Sponsor reported the number of meals as served incorrectly</li> <li>2. The Sponsor provided meal count sheets that did not contain the site supervisor signature (approval)</li> <li>3. The Sponsor claimed more meals than what we observed during our on-site visit</li> <li>4. The Sponsor did not provide creditable menus for the review period</li> <li>5. The Sponsor provided questionable and unreliable meal count sheets</li> <li>6. The Sponsor failed to plan and prepare meals with the objective of providing only one meal per child</li> <li>7. The Sponsor's site supervisor did not take meal counts at the point of service</li> <li>8. The Sponsor did not conduct monitoring reviews as required</li> <li>9. The Sponsor did not maintain records of meals ordered, prepared, delivered to sites, and received by sites for the claim period reviewed</li> <li>10. The Sponsor did not provide documentation showing training for all SFSP staff occurred prior to SFSP operations</li> </ol>	

The following measures will be completed within **30 business days** of my institution's receipt of this corrective action plan:

**Measure No. 1: The Sponsor reported the number of meals as served 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. 2: The Sponsor provided meal count sheets that did not contain the site supervisor signature (approval)**

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 claimed more meals than what we observed during our on-site visit**

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 provide creditable menus for the review period**

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. 5: The Sponsor provided questionable and unreliable meal count sheets**

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. 6: The Sponsor failed to plan and prepare meals with the objective of providing only one meal per child**

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. 7: The Sponsor's site supervisor did not take meal counts at the point of service**

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. 8: The Sponsor did not conduct monitoring reviews 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. 9: The Sponsor did not maintain records of meals ordered, prepared, delivered to sites, and received by sites for the claim period reviewed**

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. 10: The Sponsor did not provide documentation showing training for all SFSP staff occurred prior to SFSP operations**

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.

\_\_\_\_\_  
Printed Name of Authorized Sponsor Official

\_\_\_\_\_  
Position

\_\_\_\_\_  
Signature of Authorized Sponsor Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized TDHS Official

\_\_\_\_\_  
Date

## **SUMMER FOOD SERVICE PROGRAM SPONSOR APPEAL PROCEDURES**

7 C.F.R. § 225.13 governs appeals in the Summer Food Service Program and the maximum time limit for processing appeals is nineteen (19) calendar days for the Summer Food Service Program as follows:

1. The Department shall notify the appellant (Sponsor) in writing of the grounds upon which the Department has based the action. The Department's notice of action shall be sent by certified mail, return receipt requested, and shall also state that the sponsor or food service management company has the right to appeal the Department's action.
2. Appealable actions are outlined in 7 C.F.R. § 225.13(a) and are: A denial of an application for participation; a denial of a sponsor's request for an advance payment; a denial of a sponsor's claim for reimbursement (except for late submission under 7 CFR § 225.9(d)(6)); the Department's refusal to forward to FNS an exception request by the sponsor for payment of a late claim or a request for an upward adjustment to a claim, a claim against a sponsor for remittance of a payment, the termination of the sponsor or a site, a denial of a sponsor's application for a site, a denial of a food service management company's application for a site; of a food service management company's registration, if applicable.
3. The time period allowed for filing the appeal where actions are appealable as specified in 7 C.F.R. § 225.13(a) is ten (10) calendar days from the date on which the notice of action sent by certified mail return receipt requested is received.
4. The appeal must be in writing and must conform to the requirements outlined in 7 C.F.R. § 225.13(b) (4), which are set forth in number (6) below.
5. The address to file an appeal is as follows:

**Tennessee Department of Human Services  
Appeals and Hearings Division, Clerk's Office  
P.O. Box 198996  
Nashville, TN 37219-8996  
Toll Free. (866) 757-8209  
Local (615) 744-3900  
Fax. (866) 355-6136  
AppealsClerksOffice.DHS@tn.gov**

6. The appellant is allowed to refute the charges in the notice of action in person, or by filing written documentation with the review official. If the appeal letter does not specifically request a hearing, a review of written documentation in lieu of a hearing will occur. To be considered, written documentation must be submitted by the appellant within seven (7) calendar days of submitting the appeal. An appellant is allowed the

opportunity to review information upon which the action described in the notice of action was based.

7. If the appellant requested a hearing in the appeal letter, the appellant shall be given at least five (5) calendar days advance written notice by certified mail, return receipt requested, of the date, time, and place of hearing.
8. If the appellant requested a hearing in the appeal letter, the hearing will be conducted within fourteen (14) calendar days of the receipt of the appeal. However, the hearing will not be held before the appellant's written documentation is received where the appellant has requested to submit the written documentation. The appellant may retain legal counsel or may be represented by another person. If the appellant institution or sponsoring agency is a corporation, partnership or other legally created entity, then the sponsoring institution or agency must be represented by an attorney. Otherwise, the individual representing the agency will have limited participation in the hearing. If the appellant institution or sponsoring agency is a natural person (not a corporation, partnership or other artificial entity), he/she may retain an attorney, represent themselves or be represented by another person. Failure of the appellant's representative to appear at a scheduled hearing shall constitute the appellant's waiver of the right to a personal appearance before the review official, unless the review official agrees to reschedule the hearing. A representative of the State agency shall be allowed to attend the hearing to respond to the appellant's testimony and written information and to answer questions from the review official. The review officer shall be independent of the original decision-making process.
9. Within five (5) working days after receiving the written documentation, and where a hearing was not requested in the appeal letter, the administrative review official, based on a full review of the administrative record, will inform the appellant, by certified mail, return receipt requested, of the official's determination.
10. Within five (5) working days after the hearing has been held, when a hearing was requested in the appeal letter, the hearing official, based on a full review of the administrative record, will inform the appellant, by certified mail, return receipt requested, of the official's determination.
11. 7 CFR. § 225.13(11) requires the Program's administrative action to remain in effect during the appeal process.
12. Participating sponsors and sites may continue to operate during an appeal of a termination.
13. Reimbursement shall be paid for meals served during the appeal process if the administrative review determination overturns the Program's administrative action that was appealed.

14. If the sponsor or site has been terminated for the reason of imminent dangers to the health or welfare of children, the operation shall not be allowed to continue during the appeal process and this reason shall be specified in the notice of action.
15. The review official will make a determination based on information provided by the State agency and the appellant, and on Program regulations.
16. The determination made by the hearing official is the final administrative determination provided under 7 225.13(12), and will become the Final Order and set forth the time limits for seeking judicial review.

