



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION for CHILDREN and FAMILIES
Administration on Children, Youth and Families
1250 Maryland Avenue, S.W.
Washington, D.C. 20024

SEP 24 2014

Nancy Exline
Commissioner
Department of Health and Human Resources
Bureau for Children and Families
350 Capitol Street, Room 730
Charleston, WV 25301

Dear Ms. Exline:

In correspondence dated July 7, 2014 the Children's Bureau (CB), Administration for Children and Families (ACF), sent the Department of Health and Human Resources (DHHR) a copy of the final report for the West Virginia title IV-E foster care eligibility review that was conducted the week of March 17, 2014. A total of twenty (20) cases were determined to be in error for either part or all of the period under review. In addition, thirteen (13) non-error cases contained ineligible payments.

Following our onsite review, the period of ineligibility for sample case WV-09 was re-determined. While the finding for WV-09 as a non-error case with ineligible payments is unchanged, the disallowance amount associated with the improper payment has been revised from \$432.24 to \$29.00 in maintenance payments and from \$352.00 to \$0.00 in related administrative costs in federal financial participation (FFP). The revised disallowance total is \$155,761.35 in maintenance payments and \$33,508.00 in related administrative costs of FFP for title IV-E foster care payments claimed for error and non-error cases with ineligible payments. The total disallowance as a result of this review is now \$189,269.35 FFP of which \$78,825 represents maintenance payments for the 33 error and non-error cases. The revised dollar error rate is 9.92%; the case error rate and substantial compliance findings are unchanged.

On August 6, 2014, DHHR submitted a decreasing adjustment to its federal title IV-E claims through the form CB-496 (Quarterly Report of Expenditures of the Title IV-E Programs) to reflect the repayment of all disallowed funds. Based upon the information subsequently shared with DHHR by the ACF Regional Office, West Virginia revised their CB-496 submission on August 29, 2014 to reflect the changes associated with sample case WV-09, updating the decreasing adjustments amount to \$189,269.35 FFP.

This is the final decision of the Administration for Children and Families. It shall be the final decision of the Department of Health and Human Services unless you submit a written notice of appeal to the Departmental Appeals Board (DAB), in accordance with 45 CFR Part 16. Your written notice of appeal must be sent within 30 calendar days of receiving this decision from the

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Children's Bureau about the IV-E review finding and payment disallowance. Your notice of appeal must note you intend to appeal, give the amount in dispute, and briefly say why you think the title IV-E review decision is incorrect. You must attach a copy of this decision to your notice of appeal. The DAB will notify you of further procedures.

A notice of appeal may be submitted to the DAB by mail, by facsimile (fax) if under 10 pages, or electronically using the DAB's electronic filing system (DAB E-File). Submissions are considered made on the date they are postmarked, sent by certified or registered mail, deposited with a commercial mail delivery service, faxed (where permitted), or successfully submitted via DAB E-File.

If you mail your notice of appeal, it should be addressed to:

U.S. Department of Health and Human
Services Departmental Appeals Board, MS
6127 Appellate Division
330 Independence Ave., SW
Cohen Building, Room G-644
Washington, D.C. 20201

If you fax your notice of appeal (permitted only if the appeal notice is under 10 pages), you should use the Appellate Division's fax number, (202) 565-0238.

If you use DAB E-File to submit your notice of appeal, you or your representative must first become a registered user by (1) clicking "Register" at the bottom of the DAB E-File homepage, <https://dab.efile.hhs.gov/>; (2) entering requested information on the "Register New Account" form; and (3) clicking the "Register Account" button. Once registered, you or your representative should (1) login to DAB E-File using the e-mail address and password provided during registration; (2) click "File New Appeal" on the menu; (3) click the "Appellate" button; and (4) provide and upload the requested information and documents on the "File New Appeal-Appellate Division" form. Detailed instructions can be found on the DAB E-File homepage.

When you submit your appeal to the DAB, you must send a copy to Lisa J. Pearson, the CB Child Welfare Regional Program Manager in Region 3.

Interest and Penalties

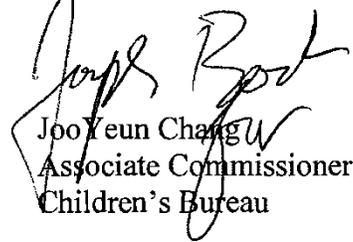
If you appeal, you may repay the amount at issue pending a decision by the DAB, or you may retain the funds pending that decision. If you repay the funds, an adjustment to return the disallowed funds to avoid an interest assessment must be submitted on the Form CB-496, as described above for payment adjustments. If you retain the funds and the DAB sustains all or part of the disallowance, interest and penalties will be charged on improperly paid funds in accordance with 45 CFR Part 30.18. Interest will accrue on the funds from the date of this disallowance letter to the date of repayment. The current interest rate is 9.625%.

The ACF Regional Office looks forward to working with you and your staff to continue to improve West Virginia's implementation of federal requirements and to enhance services to children and families. Please contact Lisa Pearson, CB Regional Program Manager, at (215)

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861-4030 if you have any questions or concerns regarding this action. You may also contact Children and Families Program Specialist Evan Steel at (215) 861-4013 or evan.steel@acf.hhs.gov. Questions concerning the disallowance should be directed to Joshua Daniel at (215) 861-4021 or joshua.daniel@acf.hhs.gov.

Sincerely,



Joo Yeun Chang
Associate Commissioner
Children's Bureau

cc:

Karen Bowling, Secretary; DHHR; Charleston, WV
Ray Bishop, Regional Grants Officer; ACF, OA, OGM, Region VI; Dallas, TX Gail Collins, Director; Division of Program Implementation; CB; Washington, DC Lisa J. Pearson, Regional Program Manager; CB, Region III; Philadelphia, PA
Jennifer Butler-Hembree; Division of Program Implementation; CB; Washington, DC