



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
Administration on Children, Youth and Families
330 C Street, S.W.
Washington, D.C. 20201

August 5, 2020

Ms. Kara Bertke-Wente
Director
Ohio Department of Job and Family Services
30 East Broad Street
Columbus, Ohio 43215

Dear Ms. Bertke-Wente:

This letter informs you of the revised findings of the primary IV-E Review conducted for the Ohio title IV-E foster care program during the week of November 4, 2019. We are pleased to let you know the Children's Bureau has determined your program for title IV-E foster care now is in substantial compliance for the period under review (PUR) of October 1, 2018 – March 31, 2019.

On May 8, 2020, the Children's Bureau sent you a final report of review findings and disallowance letter that advised you the state's title IV-E foster care maintenance program was not in substantial compliance with federal eligibility requirements for the above-noted PUR. Seven error cases and four non-error cases with improper payments were found ineligible for federal funding under the title IV-E program. Further, the letter officially notified you of the disallowance of \$237,209 in maintenance payments and related administrative costs in federal financial participation (FFP) for title IV-E foster care funds claimed for improperly paid error and non-error cases.

Subsequent to our issuance of the review results, your staff provided the Children's Bureau with additional information on case sample numbers 7, 25, 35, 44, 45 and 67.

After careful consideration of supplemental case documentation, the Children's Bureau subsequently finds federal eligibility requirements are met for safety checks pertaining to caregiver staff of child care institutions for sample numbers 25, 44 and 67. We, therefore, are reversing the error finding for these sample cases to non-error. As a result, the number of error cases for the IV-E Review has been reduced to four, which meets the error threshold for substantial compliance in a primary review. Similarly, supplemental documentation that included spreadsheets and stop-payment information provided for sample numbers 7, 35 and 45 evidenced that foster care payments were properly reversed on duplicate payments that were noted previously on the cases' payment histories. Therefore, these cases are determined not to have duplicate payments for the questioned periods.

Since Ohio is in substantial compliance, completion of a program improvement plan and a secondary IV-E Review are no longer required. Your next primary IV-E Review will take place approximately three years from the November 2019 IV-E Review.

Lastly, the state adjusted its title IV-E claims to reflect repayment of all disallowed funds identified in the May 8, 2020 letter. You may recover the amount of title IV-E funds associated with sample cases 7, 25, 35, 44, 45, and 67 by submitting an increasing adjustment of \$123,839 in FFP (\$104,581 for foster care maintenance payments and \$19,258 for related administrative costs) on your next Quarterly Report of Expenditures of the Title IV-E Programs, Form CB-496. In the comment box in Part 2 of the form you must include a note that identifies the adjusted amount as being associated with a "IV-E Review" and include the date of this revised disallowance notice.

Notice Regarding New Disallowance

The revised total disallowance for the primary IV-E Review is \$113,370 in FFP (\$52,834 for foster care maintenance payments and \$60,536 for related administrative costs).

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 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 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 Cindy Lowder, Regional Manager, Children’s Bureau, Region 5.

Congratulations on your new review finding of substantial compliance. We appreciate the cooperation your state has shown throughout the review processes and look forward to continuing to work together on behalf of the children and families of your state.

Should you have questions about the review findings, you may contact Program Specialist, Ruby Flagg in the Children’s Bureau Region 5 office, at (312) 886-4202 or by e-mail at ruby.flagg@acf.hhs.gov. Questions concerning the disallowance should be directed to Grants Management Specialist, Cynthia Leggett, at (312) 886-4916 or by email at cynthia.leggett@acf.hhs.gov.

Sincerely,
/s/
Jerry Milner
Associate Commissioner
Children’s Bureau

cc: Alicia Allen, Bureau Chief, ODJFS; Columbus, Ohio,
Cindy Lowder, Child Welfare Regional Program Manager, Region 5, Chicago, IL
Gail Collins, Program Implementation Director, Children’s Bureau; Washington, DC
Jennifer Butler-Hembree, CW Program Specialist, Children’s Bureau; Washington DC
Cynthia Leggett, Grant Management Specialist, Chicago, IL