

DEPARTMENTAL GRANT APPEALS BOARD

Department of Health and Human Services

SUBJECT: Utah Department of Social Services
Docket No. 80-33-UT-HD
Decision No. 106

DATE: July 1, 1980

DECISION

The Utah Department of Social Services, by letter dated February 11, 1980, appealed a disallowance of \$904, the federal share of an expenditure of \$1205 claimed as training costs under Title XX of the Social Security Act. The disallowance, dated December 12, 1979, was signed by the Region VIII Program Director (Acting), Administration for Public Services, Office of Human Development Services. The Agency did not contest the State's assertion that the notice of disallowance was not received until January 17, 1980, so the appeal was accepted as timely.

By letter dated March 7, 1980, the Executive Secretary of the Board asked the Agency for its response, and requested both the Agency and the State to answer specific questions. The State's reply was received April 9; the Agency's April 11. On May 19, 1980 a draft decision was sent to both parties. Both chose not to respond.

The State's claim was based on expenditures incurred as a result of the attendance by two employees of its Family Services Division at the annual meeting of the American Association on Mental Deficiency in Miami, Florida, May 27 - June 1, 1979. The cost items which constitute the claim are not shown in the disallowance or in either of the State's submissions, but from the State's travel documents enclosed with the Agency's response we deduce that the \$1205.42 consisted of:

Round trip air transportation for two	\$ 525.42
Per diem for six days for two	540.00
Registration for two (\$60 each)	120.00
Taxi fares	20.00
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	\$1,205.42

The claim was disallowed on the ground that FFP for expenditures for attendance at a conference of professional organizations is not within the State's allotment for social services. The disallowance letter also included an audit finding that such expenditures are matchable as administrative costs (not training expenses) under the State's allotment for services.

Section 2002(a)(1) of Title XX provides that the Secretary shall pay to each State for each quarter an amount equal to 75 percent of the total expenditures during that quarter for the provision of certain social services, including expenditures for "personnel training and retraining directly related to the provision of those services...." Regulations implementing Title XX were published as 45 CFR Part 228 in 1975. Comprehensive amendments to Part 228 were published on January 31, 1977.

Although Section 2002(a)(1) provides for 75 percent FFP in "total expenditures," that section is modified by Section 2002(a)(2)(A), which sets a ceiling (based on a State's population) on the total amount that may be paid to any State in any fiscal year for all Title XX expenditures "other than expenditures for personnel training or retraining directly related to the provision of services...." Thus, it is potentially to a State's advantage to claim that an expenditure is for personnel training or retraining under 45 CFR Part 228, since in that case the expenditures will not count against its allotment under Section 2002(a)(2)(A) of the Act. The State may have chosen to claim the expenditures as training--rather than administrative costs, which are also reimbursable at the 75 per cent matching rate--because it probably has no balance remaining within its ceiling.

In its Appeal, the State argued that its employees attended the meeting solely "for the purpose of gaining the considerable value of expertise from throughout the country that was available in the conference," calling the Board's attention to an excerpt from the printed program describing "special courses and special training institute features of the annual meeting program." The State indicated that continuing education credits were available for participation in "special (training) courses" listed in the copy of the program enclosed with its Appeal.

In the Executive Secretary's letter of March 7, 1980, the State was asked:

- 1) Whether the two employees who attended the meeting actually attended any of the training sessions or received credits.
- 2) If so, which courses were attended and for which were credits given.

The State conceded in its reply that its employees did not receive credit, not offering to explain the discrepancy with its earlier (February 11) assertion that "continuing education credits are available for conference participants."

The State did not respond directly to the first question, but instead referred to its enclosure of the pages from the annual meeting program listing the AAMD Special Courses." The instructors' names are underscored in the parts where courses numbered 2A, 24B, and 21B are described. The program shows that fees were imposed for these courses according to the following schedule:

<u>Date</u>	<u>Number</u>	<u>Members</u>	<u>Non-members</u>
May 27	2A	\$85.00	\$120.00
June 1 and 2	24B	85.00	120.00
June 1	21B	50.00	70.00

The significance of this information is that the State did not request reimbursement for any such fees. The \$120.00 registration was for the meeting only - it could not have encompassed course fees, which were additional. In light of the State's apparent unwillingness to declare unequivocally that its attendees actually did participate in these or other courses, we must assume they did not.

What follows from this is that the State is claiming as training costs expenditures for mere attendance at a meeting of a professional organization - the American Association on Mental Deficiency. Pursuant to 45 CFR 228.85(d) (1978), expenditures for "attendance at meetings...of professional organizations" are matchable "as administrative costs (not training expenses)."

Conclusion

We find that the State has failed to establish that the expenditures on which it based its claim are matchable as training costs. Accordingly, we uphold the disallowance of \$904 FFP.

/s/ Donald G. Przybylinski

/s/ Robert R. Woodruff

/s/ Frank L. Dell'Acqua, Panel Chairman