

Department of Health and Human Services
DEPARTMENTAL APPEALS BOARD
Appellate Division

West Virginia Department of Health and Human Resources
Docket Nos. A-13-23, A-13-39, A-13-52
Decision No. 2529
August 14, 2013

DECISION

For each quarter during 2012, the West Virginia Department of Health and Human Resources (DHHR) requested federal financial participation (FFP) under title IV-E of the Social Security Act (Act) for costs that it incurred to provide foster care and adoption assistance training to its employees and others.¹ The Administration for Children and Families (ACF) disallowed these quarterly FFP claims, which total \$704,847, and DHHR appealed.

We affirm the disallowances because DHHR failed to show that West Virginia's public assistance cost allocation plan included an approved methodology for the training costs, or that DHHR claimed FFP in accordance with any methodology in the approved cost allocation plan.

Legal Background

Under title IV-E of the Act, the federal government provides FFP to states that operate foster care and adoption assistance systems that meet the standards of that title. Act §§ 470-74. A state with an approved title IV-E plan is eligible to receive FFP for various types of administrative costs incurred to administer the plan. *Id.* § 474(a)(3). For example, and pertinent to this case, FFP is available under title IV-E for 75 percent of relevant state agency's costs of training (1) employees or prospective employees of the agency, (2) current or prospective foster and adoptive parents, and (3) members of state-licensed or approved child care institutions that provide care to children receiving title IV-E assistance. *Id.* § 474(a)(3)(B); 45 C.F.R. § 1356.60(b)(1). Short-term and long-term training at educational institutions must be provided in accordance with the provisions at 45 C.F.R. §§ 235.63 through 235.66(a). 45 C.F.R. § 1356.60(b)(3).

¹ The current version of the Social Security Act can be found at http://www.socialsecurity.gov/OP_Home/ssact/ssact.htm. Each section of the Act on that website contains a reference to the corresponding United States Code chapter and section.

It is common for a single state agency to administer several federally-financed public assistance programs (as DHHR does). That agency may perform administrative activities (such as employee training) that concurrently benefit more than one program and may qualify for funding from multiple federal sources. For example, title IV-B of the Act authorizes federal funding for child welfare, including “promoting the safety, permanence, and well-being of children in foster care and adoptive families[.]” Act § 421. Because titles IV-E and IV-B have overlapping objectives, some of a state’s administrative costs relating to foster care and adoption may qualify for federal reimbursement under either title IV-E or title IV-B of the Act. *Oklahoma Dept. of Human Servs.*, DAB No. 963, at 3 (1998); *Missouri Dept. of Social Servs.*, DAB No. 902, at 1-2 (1987). That overlap is reflected in section 1356.60(b)(2) of the title IV-E regulations, which states that “[a]ll training activities and costs funded under title IV-E shall be included in the agency’s training plan for title IV-B.”² 45 C.F.R. §§ 1356.60(b)(2), 1357.15(t)(1).

To ensure that each public assistance program, including title IV-E and any state-only foster care program, finances an appropriate share of a state agency’s administrative activities, Department of Health and Human Services (HHS) regulations in 45 C.F.R. Part 95, subpart E (the “Subpart E regulations”) require a state to have a public assistance “cost allocation plan” (CAP) that is approved by the HHS Division of Cost Allocation (DCA). 45 C.F.R. §§ 95.507, 95.511, 1355.30(k); *Kansas Dept. of Social and Rehab. Servs.*, DAB No. 2056, at 6-8 (2006). An approved public assistance CAP provides a basis for claiming FFP for “State agency costs,” such as the training costs at issue here. 45 C.F.R. §§ 95.501(b) (indicating that the Subpart E regulations establish requirements for “[a]dherence to approved cost allocation plans in computing claims for Federal financial participation”) and 95.505 (definition of “State agency costs”).

Among other things, a public assistance CAP must “[d]escribe the procedures used to identify, measure, and allocate all costs to each of the programs operated by the State agency.” 45 C.F.R. § 95.507(a)(1). The CAP must contain information that includes the procedures used to allocate costs to each “benefitting program and activity (including activities subject to different rates of FFP).” *Id.* § 95.507(b)(4). The CAP must also “[c]onform to the accounting principles and standards prescribed in Office of Management and Budget [OMB] Circular A-87, and other pertinent Department regulations and instructions[.]” *Id.* § 95.507(a)(2). OMB Circular A-87 sets forth general principles for determining “allowable costs” – that is, costs eligible for funding

² Section 1356.60(b)(2) promotes coordination among the state’s title IV-E and IV-B programs to ensure the optimal use of training resources. 45 Fed. Reg. 86,817, 86,826 (Dec. 31, 1980) (“State agencies should give careful consideration, in their planning, to the Assessment of training needs and development of training plans in those programs [such as title IV-B] which are to be coordinated with title IV-E so that resources for staff development can be combined beneficially.”).

under federal grants, contracts, and other awards. 2 C.F.R. Part 225, App. A, ¶ A.1. Under the OMB cost principles, a cost is allowable (*i.e.*, eligible for funding) under a federal assistance program only if it is, among other things, “allocable” to that program. *Id.*, App. A, ¶ C.1.b. “A cost is allocable to a particular cost objective” – a cost objective is a function, organization, or activity for which costs are incurred – “if the goods or services involved are chargeable or assignable to such cost objective in accordance with relative benefits received.” 2 C.F.R. Part 225, App. A, ¶¶ C.3.a., B.11. This means that when a state incurs costs that support or benefit more than one public assistance program, the costs generally must be allocated to each program in proportion to the benefits that each derives from the activity that generated the costs. *Minnesota Dept. of Human Servs.*, DAB No. 1869, at 4-5 (2003).

The Subpart E regulations require a state to amend its CAP in certain circumstances. *See* 45 C.F.R. § 95.509(a). In addition, those regulations provide that a state must claim FFP “for costs associated with a [public assistance] program only in accordance with its approved cost allocation plan” (or in accordance with a proposed CAP or CAP amendment that DCA has not yet acted upon). *Id.* § 95.517(a). Finally, the Subpart E regulations authorize DCA or the affected HHS Operating Division (in this case, ACF) to disallow state agency costs as “improperly claimed” (1) when costs are not claimed in accordance with the approved CAP or (2) when a state fails to submit an amended CAP when required to do so by section 95.509. *Id.* § 95.519.

In general, the burden is on the entity challenging a disallowance to demonstrate that the disallowed costs are, in fact, allocable to the program in question and meet other applicable legal requirements for allowability. *New Jersey Dept. of Human Servs.*, DAB 2415, at 3 (2011); *Arkansas Dept. of Information Systems*, DAB No. 2010, at 7 (2006). This burden “is heavier when FFP is being claimed ... at an enhanced rate [such as the 75 percent rate applicable to title IV-E training costs], requiring a clear showing that all claimed costs meet applicable reimbursement requirements[.]” *Montana Dept. of Public Health*, DAB No. 2020, at 8 (2006).

Case Background

A component of DHHR called the Bureau of Children and Families (BCF) administers West Virginia’s title IV-E-funded foster care and adoption assistance program. ACF Ex. 4, ¶ 3. BCF also operates other child and adult welfare programs, including programs funded under title IV-B. *See* ACF Ex. 1, at 4-6; ACF Ex. 4, ¶ 3; ACF Ex. 7, at 4, 6, 7; ACF Ex. 11, at 1.

BCF has an Office of Information Technology and Training (OITT). ACF Ex. 7, at 2. In addition to managing BCF’s websites and management information systems, OITT provides, coordinates, and oversees the training of BCF employees and current or prospective foster care parents. *Id.* at 8-9. Some of that training is provided by

universities (schools of social work) under contract with the state; other training is provided in-house by DHHR. ACF Ex. 4, ¶ 4. ACF asserts, and DHHR does not dispute, that the training costs at issue in this case relate to training provided by universities. *See* ACF Sur-reply Br. at 2; DHHR Response to Sur-reply.

West Virginia has a public assistance CAP, and the parties agree that the version in effect during 2012 – the period covered by challenged disallowances – had an effective date of January 1, 2011. (When we refer to West Virginia’s CAP, we are referring to that version.) DHHR did not submit any part of the approved CAP for the record. ACF, on the other hand, submitted a section of the CAP entitled “Attachment 6.” ACF Ex. 7. Attachment 6 describes the activities of BCF and its various components (including OITT) and how costs incurred by BCF are allocated. *Id.* DHHR does not allege that any other part of the CAP is relevant to this dispute.

For the first two quarters of 2012, DHHR requested FFP under title IV-E for foster care and adoption assistance training costs. *See, e.g.*, ACF Ex. 10, at 1 (line 15). On July 12, 2012, ACF notified DHHR that it had deferred (that is, preliminarily denied) those claims. DHHR Ex. A. ACF deferred the claims because, in its view, West Virginia’s CAP “does not adequately and accurately describe the state’s cost allocation methodology used in determining IV-E training costs for both in-house training as well as university training.” *Id.* at 1. ACF also found that “the State’s allocation methodology [was] not included” in West Virginia’s five-year comprehensive Child and Family Services Plan (CFSP) or its Annual Progress and Services Reports (APSRs), documents that a state is required to submit to ACF under title IV-B. *Id.*; *see also* 45 C.F.R. §§ 1357.15, 1357.16; ACF Ex. 4, ¶ 8. Because of those deficiencies, said ACF, it was unable to make a “clear determination” about whether the training costs for which DHHR had claimed FFP were allowable under title IV-E. DHHR Ex. A at 2.

So that it could make a final determination on the deferred claims, ACF asked DHHR to “provide supporting documentation that identifies costs associated with the foster care and adoption assistance programs and relevant statistical information used to allocate university training costs,” including “information regarding [West Virginia] DHHR’s procedures for determining the allowability and allocability of costs which are being deferred.” WV Ex. A at 2. ACF also advised DHHR that it needed to “submit a revised cost allocation plan amendment as required to [DCA] which details the methodology used to determine [West Virginia]’s foster care and adoption assistance training expenditures.” *Id.* at 2. In accordance with the rules governing FFP deferrals, ACF gave DHHR 60 days to submit the information it had requested and stated that “[f]ailure to take action will result in the disallowance of unallocable and unallowable costs.” *Id.*

In August 2012, ACF employees met with DHHR's Commissioner, Chief Financial Officer, and others to urge the submission of a CAP amendment that identified, measured, and allocated training costs. ACF Ex. 4, ¶ 13. According to an ACF participant, ACF "provided specific guidance" during that meeting "on developing an acceptable cost allocation methodology to be included in the West Virginia [public assistance] CAP in order to claim title IV-E funds for training costs." *Id.* There is no evidence that DHHR submitted the information requested by ACF, asserted that it already had an approved and adequate methodology for allocating training costs, or sought to amend its CAP in response to the deferral.

On November 21, 2012, ACF disallowed DHHR's FFP claims under title IV-E for training costs for the quarters ended March 31 and June 30, 2012. The grounds given by ACF for that disallowance determination were the same as those mentioned in its July 2012 deferral letter – namely, DHHR's failure to provide ACF with "an acceptable methodology" for allocating the claimed training costs, and its failure to amend its CAP to include such a methodology. Later, ACF disallowed, on the same grounds, FFP claims for foster care and adoption assistance training costs for the quarters ended September 30 and December 31, 2013.³ DHHR timely appealed all of the disallowances, contending that they were "without basis in law or in fact."

Discussion

Under section 95.519 of the Subpart E regulations, ACF was authorized to disallow FFP for DHHR's 2012 training costs in either of the following circumstances: (1) the costs were not claimed in accordance with West Virginia's CAP, a violation of section 95.517; or (2) DHHR failed to submit an amended CAP when section 95.509 required it to so.⁴ ACF contends that the challenged disallowances are proper because West Virginia's approved CAP does not describe how training costs are allocated and therefore DHHR failed to claim FFP for the training costs in accordance with an approved CAP. That position is amply supported by the record and by Board decisions which construe the Subpart E regulations.

³ The amounts disallowed were: \$86,484 for the quarter ended March 31, 2012; \$259,255 for the quarter ended June 30, 2012; \$77,408 for the quarter ended September 30, 2012; and \$281,700 for the quarter ended December 31, 2012. The appeal of the disallowances for the quarters ended March 31 and June 30, 2012 was assigned docket number A-13-23; the appeals of the disallowances for the quarters ended September 30 and December 31 were assigned docket numbers A-13-39 and A-13-52.

⁴ As indicated, section 95.517 permits FFP claiming under a proposed CAP, but DHHR does not allege that it claimed FFP for the 2012 training costs in accordance with a proposed CAP or proposed CAP amendment.

In *Illinois Dept. of Children and Family Servs.*, DAB No. 1422 (1993) (*Illinois*), the Board held that in order to receive title IV-E funds for training costs, a state's FFP claim for those costs must be based on an approved public assistance CAP (or, unless "otherwise advised by the DCA," a proposed CAP) which, in turn, must describe the methodology used by the state to identify, measure, and allocate the costs. In other words, a state's FFP claim for training costs must reflect the application of an appropriate cost allocation methodology described in the state's CAP.

The Board explained in *Illinois* that the "requirement for a CAP is reasonably applied to all costs incurred by a state agency which administers both federal and state programs since a significant part of its costs may be incurred for common or joint objectives," and that a "CAP provides a mechanism for allocating these multi-program costs and prevents duplicate claiming of these costs." DAB No. 1422, at 8. The Board also said that the requirement to claim FFP through a CAP "applies even where costs are determined to be directly applicable to a single state agency program" in order to ensure that all costs are distributed on a "consistent basis." *Id.* In addition, the Board emphasized that its holding was supported by the preamble to the Subpart E regulations, which makes clear, as do later Board decisions, that the requirement to claim FFP through a CAP is necessary to ensure compliance with the OMB principles for determining "allowable" costs" and with other legal requirements. *Id.*; *see also* 47 Fed. Reg. 17,506, 17,507 (Apr. 23, 1982) (noting that the requirement to include state agency costs in a CAP "ensures that they are properly distributed to the appropriate programs on a consistent basis as required by the cost principles published by OMB"); *Nevada Dept. of Human Resources*, DAB No. 1241 (1991) (a CAP "constitute[s] an important mechanism for ensuring that federal funds are expended only in accord with the purposes for which they are appropriated"); *Montana Dept. of Family Servs.*, DAB No. 1266 (1991) (noting that the requirement to claim FFP only in accordance with a CAP is not a mere technical requirement, and that a CAP "ensures consistent treatment of costs, avoids duplicate claiming, and ensures that the methods used are reasonable for the time period they cover").

DHHR contends that it met its legal obligation to claim FFP in accordance with a CAP because Attachment 6 of West Virginia's CAP specifies a cost allocation methodology for training costs. *See* Reply Br. at 2. However, we find no such specification of a methodology for training costs in Attachment 6. Although that attachment indicates that the OITT provides, coordinates, and oversees training of BCF employees and foster care parents, Attachment 6 does not on its face say anything about how – or by what procedures – training costs are identified, measured, or allocated to title IV-E and the other programs that benefit from the training. *See* ACF Ex. 7, at 8-10.

DHHR points to the following passage in Attachment 6 (without explaining its meaning):

Cost Allocation for [BCF's] Office of Information and Technology and Training is as follows: Methodology 4(d) is used to allocate costs for the *RAPIDS/FAMIS unit* based on percentages determined by Federal program policy. Methodology 4(c) is used to allocate costs for the *FACTS unit* to FACTS, Child Care, and State only based on time sheets.

Reply Br. at 2 (italics added, *quoting* ACF Ex. 7, at 16-17). The passage mentions two organizational units of OITT – the RAPIDS/FAMIS unit and the FACTS unit. The acronyms RAPIDS/FAMIS and FACTS refer to management information systems for DHHR's various public assistance programs.⁵ For each system, the CAP identifies a “staffing pattern” – a roster of BCF employees (by job title) – whose costs are allocated using the methodology identified as 4(d) or 4(c). However, the CAP does not indicate that the employees in these staffing patterns engage in activities that support (directly or indirectly) foster care or adoption assistance training, the type of administrative activity implicated by the challenged disallowances. Instead, the CAP states that the “OITT Division of Training (DOT) is responsible for the oversi[ght], coordination, and delivery of training for BCF employees and foster parents statewide.” ACF Ex. 7, at 8-9. No allocation methodology is specified for the DOT component of OITT or for any training provided by universities, and DHHR presented no evidence that either of the units for which the CAP does specify a methodology is part of the DOT.

In addition, DHHR produced no evidence that employee costs of the RAPIDS/FAMIS and FACTS units are incurred for any purpose other than maintaining or operating the specified management information systems.⁶ Nor did DHHR allege or prove that it *actually used* either of the methodologies specified for those units to identify, measure, and allocate the university training costs that it claimed under title IV-E for 2012.

⁵ FAMIS, or Family Assistance Management Information System, was first developed for the now-defunct Aid to Families with Dependent Children program. *See* 45 C.F.R. § 260.30. ACF asserts (and DHHR does not deny) that RAPIDS, or Recipient Automated Payment and Information Data System, is West Virginia's successor to FAMIS. Sur-reply Br. at 3.

⁶ ACF produced a section of a draft CAP amendment submitted by DHHR for 2013. *See* ACF Sur-reply Br. at 3 (citing ACF Ex. 17). The section describes the function of RAPIDS in managing and administering specified public assistance programs but makes no mention of title IV-E or training. ACF Ex. 17, at 6. The draft CAP amendment for 2013 further indicates that FACTS is a “customized Statewide Automated Child Welfare Information System . . . established for the administration of Title IV-E Child Welfare Programs,” and that the system “was modified to include Child Care Services and Adult Services” and “also supports regulatory requirements for licensing of in-home day care, day care centers, group residential facilities, child placement agencies and foster homes.” ACF Ex. 17, at 6-7. ACF concedes that some costs incurred by the FACTS unit are potentially allocable to title IV-E, but also correctly notes that DHHR failed to show that any of that unit's costs are incurred for foster care or adoption assistance training.

Moreover, we note that methodology 4(c) in the CAP simply says that allocation will be “based on time sheets” (which appears in context to mean the time sheets of the BCF unit staff to which the methodology applies). ACF Ex. 18, at 4. No specific reference is made to time sheets of university staff providing training, nor does methodology 4(c) address how any time spent preparing and giving a training course that benefits more than one program would be allocated among those programs. Methodology 4(d) says costs are “allocated based on percentages determined by federal program policy,” but we know of no such policy establishing percentages for title IV-E training, and DHHR points to no such policy. *Id.* Neither methodology purports to identify what part of total university training activities that benefit IV-E are the type of training costs for which a state is permitted under the regulations to claim FFP at the 75 percent rate, and which costs are allowable only at the 50 percent FFP rate.

In support of its allegation that it had a cost allocation methodology for BCF training costs, DHHR asserts that relevant provisions of West Virginia’s CAP were unchanged from at least 2006, and that, prior to 2012, ACF approved FFP claims for training costs based on those provisions. DHHR further asserts that ACF would not have approved the pre-2012 claims if its CAP did not, in fact, set out a methodology for training costs. Reply Br. at 2. However, there is nothing in the record indicating that ACF ever determined that West Virginia’s CAP contained such a methodology. In fact, the record shows that ACF made the opposite finding in 2010. An ACF Regional Program Manager stated in her uncontested declaration that ACF notified DHHR in mid-2010 that it “would no longer provide the federal share of training costs *because DHHR had not described in its PACAP how it was allocating those costs to all benefiting programs . . .*” ACF Ex. 4, ¶ 8 (italics added).

In sum, DHHR failed to establish that the relevant CAP contained a methodology for identifying, measuring, and allocating training costs to title IV-E or, if the CAP did specify such a methodology, that DHHR’s FFP claims for those costs were made in accordance with that methodology. For those reasons, ACF’s disallowances were authorized under section 95.519 of the Subpart E regulations. Our conclusion is consistent with prior Board decisions that have upheld disallowances in similar circumstances. *See, e.g., New Jersey Dept. of Human Servs.*, DAB No. 2328, at 5 (2010) (concluding that the state’s FFP claims were unallowable in part because “the allocation method . . . used to calculate the claims was not included in [the] approved CAP”); *Montana Dept. of Family Servs.*, DAB No. 1266 (1991) (upholding a disallowance because allocation of the disallowed costs to title IV-E was not consistent with the applicable CAP); *Kansas Dept. of Social & Rehab. Servs.*, DAB No. 1349 (1992) (upholding a disallowance of a claim based on an allocation methodology not yet

approved by DCA or included in the CAP for the period during which the costs were incurred); *Missouri Dept. of Social Servs.*, DAB No. 1021 (1989) (upholding the disallowance of a claim that was not computed based on the CAP in effect when the costs were incurred).⁷

DHHR suggests that ACF inaction should excuse its failure to have an allocation methodology for training costs acceptable to ACF. DHHR asserts that, after deferring its FFP claims for the first two quarters of 2012, ACF agreed to help West Virginia formulate an appropriate allocation methodology for training costs but failed to provide timely help. “Had ACF responded with technical assistance and information *ab initio*,” says DHHR, it “could have responded in a more timely fashion to rectify any shortfalls perceived by ACF.” DHHR Br. at 9.

This argument is meritless in part because DHHR did not submit or point to any evidence that ACF failed to offer or provide prompt technical assistance, while ACF produced some evidence that it offered such help as early as 2009 and shortly after it issued the deferral. *See, e.g.*, ACF Ex. 4, ¶ 5 (indicating that ACF “worked with DHHR’s child welfare leadership and staff” in 2009 concerning its need for a cost allocation methodology for training costs); *id.* ¶ 13 (stating that, in August 2012, one month after issuing the deferral, ACF provided “specific guidance on developing an acceptable cost allocation methodology”). Furthermore, DHHR did not cite any statute, regulation, or other legal authority that requires ACF to provide technical assistance before disallowing state agency costs. Any failure by ACF to offer or provide technical assistance would not, in any event, have relieved DHHR of its obligation to comply with applicable regulations governing the claiming of federal title IV-E funds.

We reject DHHR’s vague suggestion that it had insufficient time – or inadequate notice of its obligation – to formulate an acceptable methodology prior to submitting claims for the 2012 training costs. The Subpart E regulations, promulgated many years before the challenged disallowances, gave DHHR constructive notice of its legal obligation to claim those costs through an approved CAP that sets out an appropriate methodology for assigning costs to title IV-E and other programs. *Kansas Dept. of Social and Rehab. Servs.*, DAB No. 1349, at 7 (holding that the Subpart E regulations gave a state “notice that its Title IV-E claims should be calculated in accordance with a CAP approved by DCA”).

⁷ In *New Jersey*, the Board rejected the state’s argument that it had an agreement with another public agency meeting the requirements of section 95.507(b)(6) and therefore did not need to specify an allocation method in its CAP. DHHR does not claim here that it had any such agreement for university training.

In addition, uncontested evidence submitted by ACF, including employee declarations and email, indicates that DHHR knew no later than mid-2010 of ACF's position that West Virginia needed to have a cost allocation plan methodology for training costs that it intended to claim under title IV-E. An ACF Program Specialist who in 2007 became responsible for monitoring federally-funded child welfare programs in West Virginia, stated in a declaration that during 2008, 2009, and 2010, she advised DHHR officials that West Virginia needed to develop a methodology for allocating training costs to the programs benefitted by training, such as the title IV-E and IV-B programs, and to include that methodology in the state's title IV-B training plan. ACF Ex. 3, ¶¶ 4-5, 7-8 (citing ACF Exs. 2, 16). The ACF Regional Program Manager attested that the Program Specialist reported that she had informed "DHHR leadership" during an April 2010 meeting that "ACF would no longer provide the federal share of training costs because DHHR had not described in its public assistance CAP how it was allocating those costs to all benefiting programs and did not include an allocation methodology in its title IV-B /IV-E Training Plan, as required." ACF Ex. 4, ¶ 8.

Finally, we reject DHHR's argument, made in its opening brief, that the disallowances are invalid because there was no violation of section 95.509(a). Section 95.509(a) requires a state to submit an amended CAP when DCA or the state determines that the CAP has a "material defect" (and in other circumstances not relevant here), and section 95.519 authorizes DCA or the relevant HHS Operating Division to disallow costs based on a state's failure to submit an amended CAP when required to do so. According to DHHR, the disallowances "are without a sufficient legal or factual basis" because "DCA did not direct DHHR to amend its CAP" or "make a finding that a material defect existed in" the CAP. DHHR Br. at 7-9.

The problem with this argument is that ACF did not base the disallowances on a failure to amend the CAP in response to a DCA finding or directive. ACF's disallowance notices do not say that DCA or the state found a "material defect," nor do they cite section 95.509(a). Although ACF faulted DHHR in the disallowance notices for not submitting a CAP amendment for 2012, the notices suggest that the failure to submit the amendment violated paragraph (b) of section 95.509, not paragraph (a). In any event, as our earlier discussion makes clear, ACF articulated and established a sufficient alternative ground for the disallowances under section 95.519 – namely, that the FFP at issue was not claimed in accordance with an approved CAP.

Conclusion

For the reasons set forth above, the Board affirms the determinations by ACF to disallow FFP under title IV-E for foster care and adoption assistance training costs incurred by DHHR during the quarters ended March 31, 2013, June 30, 2013, September 30, 2013, and December 31, 2013.

/s/
Sheila Ann Hegy

/s/
Leslie A. Sussan

/s/
Judith A. Ballard
Presiding Board Member