

DEPARTMENTAL GRANT APPEALS BOARD

SUBJECT: New York State Department
of Social Services
Docket No. 86-143
Decision No. 778

DATE: August 20, 1986

DECISION

The New York State Department of Social Services (State) appealed the disallowance by the Administration for Children, Youth and Families, Office of Human Development Services, of \$9,434 in federal financial participation (FFP) claimed by the State under the Foster Care program, Title IV-E of the Social Security Act. The amount disallowed represented increasing adjustments of FFP, claimed on the State's Quarterly Statement of Expenditures dated March 6, 1986.

The amount in dispute was claimed for expenditures incurred in quarters beginning April 1, 1982 and ending September 30, 1983. The disallowance stated that claims for fiscal year 1980 and after had to be filed within two years after the calendar quarter in which the State made the expenditures, as required by section 1132 of the Social Security Act and 45 CFR 95.7, and that the claims disallowed had not been filed within that time.

The State repeated the arguments pertaining to the applicability of the relevant filing requirements which it had put forward in Board Docket Nos. 83-170 and 83-180, decided in New York State Department of Social Services, Decision No. 521, March 6, 1984. The State admitted that this appeal does not present any material issues of fact which distinguish it from Board Docket Nos. 83-170 and 83-180, and requested the Board to issue a summary decision based upon our holding in Decision No. 521. The State submitted no new argument why Decision No. 521 was wrong.

We conclude that the claim disallowed here is barred by statutory and regulatory filing requirements and sustain the disallowance of \$9,434 based on Decision No. 521, which we incorporate herein.

Judith A. Ballard

Donald F. Garfett

Alexander G. Teit
Presiding Board Member