

**U.S. Department of Agriculture
Food and Nutrition Service
Administrative Review Branch**

**107 Mini Market Corp.,
Appellant,**

V.

**Retailer Operations Division,
Respondent.**

Case Number: C0200980

FINAL AGENCY DECISION

It is the decision of the USDA that the record indicates that 107 Mini Market Corp. (hereinafter Appellant) committed violations of the Supplemental Nutrition Assistance Program (SNAP). There is sufficient evidence to support a finding that the permanent disqualification from participation as an authorized retailer in the program, as initially imposed by the Retailer Operations Division was appropriate.

ISSUE

The issue accepted for review is whether the Retailer Operations Division took appropriate action, consistent with 7 CFR § 278.6(a) and (e)(1) in its administration of the SNAP, when it assessed a permanent disqualification against 107 Mini Market Corp. by letter dated December 10, 2019.

AUTHORITY

7 U.S.C. § 2023 and the implementing regulations at 7 CFR § 279.1 provide that “A food retailer or wholesale food concern aggrieved by administrative action under § 278.1, § 278.6 or § 278.7 . . . may file a written request for review of the administrative action with FNS.”

CASE CHRONOLOGY

In a letter dated August 3, 2017, Retailer Operations Division charged the Appellant with trafficking, as defined in Section 271.2 of the SNAP regulations, based on a series of irregular SNAP transaction patterns that occurred during the months of January 2017 through June 2017. The letter noted that the penalty for trafficking is permanent disqualification as provided by 7 CFR § 278.6(e)(1). The letter also noted that the Appellant could request a trafficking civil money penalty (CMP) in lieu of a permanent disqualification within 10 days of receipt under the conditions specified in 7 CFR § 278.6(i).

In correspondence dated August 14, 2017, Appellant, through counsel, submitted a Freedom of Information Request. The record reflects that Counsel received the requested documentation in correspondence dated September 28, 2017, and appealed FNS' response in correspondence dated December 22, 2017. The FOIA appeal was completed and closed via correspondence dated October 3, 2019. Counsel was notified that it had 10 days to respond to the charge letter dated August 7, 2017.

In correspondence dated November 4, 2019, Appellant, through counsel, responded to the August 7, 2017 charge letter and generally stated that after a careful review of the Department's allegations and the transactions listed therein, we have determined that trafficking did not occur at the store. The three categories of "violations" listed by the Charging Letter are the statistical results of particular shopping habits of the store's clientele, mixed with inventory and staple food items. Appellant, through counsel, stated that the store serves as a local grocery, providing a large variety and quantity of staple food items to the surrounding community and the store is open 24 hours per day, seven (7) days per week. The store is, to the Respondents' knowledge, the only retail store in the surrounding area that provides the community 24-hour access to such an expansive and diverse selection of grocery products. Counsel quoted various statistical data from the reports provided and stated that the purchasing habits shows that the store stocks the majority of a SNAP household's preferred needs and has sufficient variety and quantity to meet the needs of several households all at once without having to replenish inventory.

Appellant, through counsel, states that it is likely that the presence of Confirmation Bias exists as it does in many cases handled by FNS and in this instance, ambiguous or contradictory evidence has been disregarded and interpreted in such a way that unreasonably favors the Department's hypotheses that trafficking is occurring at the Respondents' store. In count one of the charging letter, as nearly every item in the store is priced to have a high likelihood of resulting in a \$0.00 price or a \$0.99 price, the statistical possibility of the store's transactions reflecting those values is almost a certainty. Count two, of the charge letter, should be dismissed due to (1) the participant forgetting an item in his/her prior transaction; (2) co-shopping; (3) the participant making a purchase, returning home, and then returning to the store to make a second purchase; and (4) a reflection of the normal shopping habits of SNAP participants. In count three of the charging letter, aside from the substantial inventory at the store, a reasonable and plausible explanation for these higher transactions is that the households that conducted the transactions have a larger amount of SNAP residents residing therein, thus requiring a larger quantity of grocery products each month than those household with less participants. The evidence relied upon by the Department is without sufficient support.

Counsel provided a copy of the 2016 Know Your Core, Protect Your Core cover story by Angela Hanson, a copy of the November 2016 USDA report entitled "Foods Typically Purchased by Supplemental Nutrition Assistance Program (SNAP) Households", a copy of the 2016 Hartman Group U.S. Grocery Shopping Trends report, and a copy of the USDA 2017 Profile of SNAP Households in New York Congressional District 5 report.

After considering Appellant's reply and evidence of the case, Retailer Operations Division issued a determination letter dated December 10, 2019. This letter informed ownership that they were permanently disqualified from the SNAP in accordance with Sections 278.6(c) and

278.6(e)(1) of the SNAP regulations. The letter also states that Retailer Operations considered Appellant's eligibility for a trafficking civil money penalty (CMP) according to the terms of Section 278.6(i) of the SNAP regulations. However, Retailer Operations Division determined that Appellant was not eligible for the CMP because it failed to submit sufficient evidence to demonstrate that Appellant had established and implemented an effective compliance policy and program to prevent violations of the SNAP.

In a letter dated December 23, 2019, Appellant appealed the Retailer Operations Division's assessment and requested an administrative review of this action. The appeal was granted.

STANDARD OF REVIEW

In appeals of adverse actions, the Appellant bears the burden of proving by a preponderance of the evidence, that the administrative actions should be reversed. That means an Appellant has the burden of providing relevant evidence which a reasonable mind, considering the record as a whole, would accept as sufficient to support a conclusion that the matter asserted is more likely to be true than not true.

CONTROLLING LAW

The controlling statute in this matter is contained in the Food & Nutrition Act of 2008, as amended, 7 U.S.C. § 2021 and 278 of Title 7 of the Code of Federal Regulations (CFR). Part 278.6(a) and (e)(1)(i) establish the authority upon which a permanent disqualification may be imposed against a retail food store in the event that personnel of the firm have engaged in trafficking SNAP benefits.

7 CFR § 278.6(a) states, in part that, "FNS may disqualify any authorized retail food store...from further participation in the program if the firm fails to comply with the Food and Nutrition Act of 1977, as amended, or this part. Such disqualification shall result from a finding of a violation on the basis of evidence that may include facts established through on-site investigations, inconsistent redemption data, evidence obtained through a transaction report under an electronic benefit transfer system..."

7 CFR § 278.6(e)(1) reads, in part, "FNS shall disqualify a firm permanently if personnel of the firm have trafficked as defined in § 271.2." Trafficking is defined, in part, in 7 CFR § 271.2, as "the buying or selling of SNAP benefits for cash or consideration other than eligible food."

7 CFR § 271.2 states in part that, "Eligible foods mean: Any food or food product intended for human consumption except alcoholic beverages, tobacco and hot food and hot food products prepared for immediate consumption."

7 CFR § 278.6(b)(2)(ii) states, in part, that: "Firms that request consideration of a civil money penalty in lieu of a permanent disqualification for trafficking shall have the opportunity to submit to FNS information and evidence...that establishes the firm's eligibility for a civil money penalty in lieu of a permanent disqualification in accordance with the criteria included in §

278.6(i). This information and evidence shall be submitted within 10 days, as specified in § 278.6(b)(1).”

7 CFR § 278.6(i) states, in part: “FNS may impose a civil money penalty in lieu of a permanent disqualification for trafficking...if the firm timely submits to FNS substantial evidence which demonstrates that the firm had established and implemented an effective compliance policy and program to prevent violations of the Program.”

SUMMARY OF THE CHARGES

The Appellant was charged and determined to be trafficking based on an analysis of electronic benefit transfer (EBT) transaction data from January 2017 through June 2017. This involved the following transaction patterns which are trafficking indicators:

1. There were a large number of transactions ending in a same cents value.
2. Multiple transactions were made from individual benefit accounts in unusually short time frames.
3. Excessively large purchase transactions were made from recipient accounts.

The first issue in this review is whether, through a preponderance of evidence, it is more likely true than not true that the identified irregular and questionable transactions were the result of trafficking in SNAP benefits.

APPELLANT’S CONTENTIONS

In its response to the charge letter and in its request for administrative review, Appellant made the following summarized contentions, through counsel, in relevant part:

1. We ask that you consider the store’s past compliance as a factor in support of the position that the transactions set out during the review period were not trafficking.
2. The store stocks the majority of a SNAP household’s preferred needs and has sufficient variety and quantity to meet the needs of several households all at once without having to replenish inventory.
3. It is likely that the presence of a Confirmation Bias exists, as it does in many cases handled by FNS.
4. Scan A1: These transactions are simply an innocent anomaly, wherein most products sold at the store are for an amount ending in .00 cents and .99 cents and/or when combined result in a transaction ending in .00 and/or .99 cents. They occur in both standard (non-SNAP) transactions, as well as in the SNAP transactions set out in the Charge Letter. These transactions are a result of the Store’s pricing practices. To save time transaction amounts are often rounded and items are combined into a flat price.
5. Scan B2: All of these transactions are the result of the Store’s business practices, inventory, customer co-shopping, purchasing preferences and habits of the SNAP clientele.
6. Scan F: These transactions are supported by the substantial inventory of the store and are reasonably explained by co-shopping, the store’s pricing structure, reliance on the store

as a primary grocery for some minutiae of local participants, or the general aberration and statistical outlier to the average whole.

7. In the alternative, in the event the Department determines that trafficking did occur at the store, Appellants would request that a civil money penalty be issued in lieu of a permanent disqualification.

Appellant, through counsel, provided a copy of a June 2017 Preventive Medicine Report entitled “Shopping pattern and food purchase differences among Supplemental Nutrition Assistance Program (SNAP) households and Non-supplemental Nutrition Assistance Program households in the United States”, a copy of the November 2016, USDA report entitled “Foods Typically Purchased by Supplemental Nutrition Assistance Program (SNAP) Households, a copy of the USDA 2017 Profile of SNAP Households in New York Congressional District 5, a copy of the February 2014 Social Science & Medicine report entitled “What does SNAP benefit usage tell us about food access in low-income neighborhoods?”, a copy of a Social Science Statistical report on Pearson Correlation Coefficient Calculator, and a copy of the September 2020 Insight Policy Research Final Report entitled “Benefit Redemption Patterns in the Supplemental Nutrition Assistance Program in Fiscal Year 2017.”

The preceding may represent a brief summary of Appellant’s contentions in this matter however, in reaching a decision, full attention has been given to all contentions presented, including any not specifically recapitulated or referenced herein.

ANALYSIS AND FINDINGS

The FNS authorized the business as a small grocery store on June 16, 2014. The file indicates that in reaching a disqualification determination, Retailer Operations Division considered information obtained during a June 1, 2017, store visit to the business conducted by a FNS contractor to observe the nature and scope of the firm’s operation, stock, and facilities. This information was then used to ascertain if there were justifiable explanations for the firm’s irregular SNAP transactions. The store visit report and photographs documented the following store size, description, and characteristics:

1. One cash register and one POS device with a small counter area partially obstructed by other smaller items available for sale.
2. Estimated to be approximately 784 square feet.
3. No shopping baskets or carts available for customers.
4. No adding machines or optical scanners were available at checkout. No specialty registers present.
5. Store operates through a night window or plastic barrier with food stock behind the barrier.
6. No evidence of wholesale business such as posted prices or separate entrances for wholesale customers.
7. No unusual pricing structure such as ending most products with 00 cents and does not round transaction totals.
8. Food is not stored in an area outside of public view.
9. Store has storage freezers or coolers, but no food stored off site.

10. Store is not primarily selling one food type such as meat, poultry, dairy, seafood, fruits, baked goods, or vegetables.
11. Store does not take telephone or online orders and does not offer delivery
12. Highest priced eligible food items were Infant Formula (\$24.99), Shrimp (\$18.99), Rice (\$13.99), Canola Oil (\$9.99).
13. Store stocks a significant amount of non-food items such as but not limited to paper products, household products, tobacco products, automotive products, health and beauty aids, gift items, mobile phones/phone cards alcohol and cleaning products.
14. Store stocks limited amounts of dairy products, bread and cereal products, fruit and vegetable products and meat, poultry, and fish products. Fresh fruits consist of bananas. No fresh meat or poultry. Most meats are canned, packaged, or frozen.
15. A kitchen or prepared food area
16. Hot and cold prepared foods sold for onsite consumption.
17. A deli or prepared food section. Stock is also being used in preparation of food.
18. Prominent menu board displayed offering an array of prepared food items.
19. No meat or seafood specials or bundles or fruit/vegetable boxes sold.

The second issue for consideration is whether Retailer Operations Division has presented a convincing case that Appellant likely trafficked in SNAP benefits. Each attachment furnished with the charge letter represents the questionable and unusual patterns of SNAP transactions indicative of trafficking which were conducted at Appellant's store during the review period. As there is more than one pattern of irregular transactions, the case of trafficking becomes more convincing.

Attachment 1 of the Charge letter – There were a large number of transactions ending in a same cents value.

This attachment lists 430 transactions totaling \$12,881.82 that end in 00, and 99 cent values. When such repetitive patterns are unsupported by special pricing structures, they are a strong indicator of trafficking in SNAP benefits.

With regard to Appellant's contentions, there were 312 transactions that ended in .00 cents and 118 transactions that ended in .99 cents. The store's inventory consisted almost exclusively of inexpensive single and prepared food items and accessory foods, which supposedly produced the 312 transactions ending in \$.00 and 118, ending in \$.99 that totaled \$12,881.82 in SNAP redemptions. It is implausible that several of these relatively inexpensive food items purchased together routinely totaled high dollar amounts ending in 00 or 99 cents. Contrary to the Appellant's contentions, through counsel, that the agency has no evidence to refute pricing or inventory, the June 1, 2017, store visit provided evidence of the type and amount of stock available in the store. Based on store visit findings and cost of the most expensive items, the retailer uses a typical pricing strategy with prices ending in variations of \$.x9. The store visit confirmed the store did not have an unusual price structure where most product prices ended in 00 cents. The reviewer was required to take photographs of such prices, but no such pricing existed.

When there are a disproportionate number of transactions ending in same cent value it appears the transactions are contrived and absent any compelling rationale to the contrary it is a strong indicator of trafficking. Especially when item prices end with a standard *9 it is implausible that several of these relatively inexpensive items purchased together would routinely total to a purchase amount ending in 00 cents. In addition, a store that is rounding prices up or down or an even value would not have any transactions ending in odd values as noted in Appellant's transaction history.

Again, multiple purchases of products with prices ending in \$.99 would not yield totals ending in \$.00 or \$.99. There were no specials or items sold in bundles to generate such transactions, and no logical reason for repeated same cents value transactions. Based on the analysis above, it appears that the transactions cited in Attachment 1 of the charge letter are contrived and therefore, in the absence of plausible evidence to the contrary, are likely the result of trafficking in SNAP benefits.

Attachment 2 of the Charge letter - Multiple transactions were made from individual benefit accounts in unusually short time frames.

There were 90 sets of 194 SNAP transactions that met the parameters of this attachment. Multiple transactions conducted by the same household account within a set time period is a method which violating stores use to avoid the detection of single high dollar transactions that cannot be supported by the retailer's inventory and structure.

With regard to Appellant's contentions, through counsel, the June 1, 2017 store visit revealed a 784 square foot small grocery store stocked with inexpensive inventory unlikely to attract customers to repeatedly spend large amounts of SNAP benefits in single or multiple shopping trips. As previously stated, there were no fresh meats or vegetables and it is doubtful that a few large bags of frozen shrimp, and other limited staple foods doubtful lured customers to make large grocery orders. While studies and research findings indicate how quickly SNAP clients spend their benefits, it is expected that the benefits are expended in well-stocked establishments with a large volume and variety of SNAP eligible groceries. Food items in small grocery stores, like Appellant's store, typically are more costly and limited in volume and variety. Again, the single food items, and accessory foods in Appellant's store are unlikely to attract repetitive high dollar purchases. There are no baskets or carts to transport large grocery orders to the counter, and the counter does not appear to be spacious enough to hold items needed to generate the multiple, high dollar transactions.

Appellant's contention, through counsel, regarding the explanation of co-shopping with different household members shopping separately using the same card, while possible, does not negate the fact that the store's inventory is not conducive to satisfy multiple high dollar purchases. These transactions are inconsistent with a household forgetting an item and returning to the store to make a second purchase because the second purchase is as large as the first and represent another shopping experience. The multiple sets of large transactions are doubtful because SNAP clients' shopping history, observed during the review period, reveal they did not rely solely on the Appellant's store for their shopping needs. The shopping history confirmed SNAP clients frequented other establishments, however, they spent as much or more at Appellant's store as in

larger better stocked store with likely better pricing.

SNAP households have no limit on the number of times they may use their EBT cards; however, the SNAP transactions noted in the charge letter are questionable not because they exceed any limits for use, but rather because they display characteristics of use inconsistent with the nature and extent of the store's stock and facilities and are indicative of trafficking. The Appellant firm is a small grocery store that does not compare in size and stock to the larger supermarkets and or super stores where SNAP households often shop. Despite this access to large supermarkets and superstores, these households consistently conducted much higher transactions at the Appellant firm than at better stocked supermarkets/superstores in and around the Queens County area of New York. This is another strong trafficking indicator.

In conclusion, it is therefore more likely true than not true that the irregular transactions cited in the charge letter Attachment 2 are due to trafficking in SNAP benefits.

Attachment 3 of the Charge letter - Excessively large purchase transactions were made from recipient accounts.

This attachment lists 1014 SNAP transactions that met the parameters of this attachment. Based on the results of the contracted store visit, the large transaction amounts are not consistent with the store's inventory of low-priced foods. The firm does not offer food in bulk or any ethnic or specialty foods that sell for a high price. Therefore, the substantial number of high dollar purchases calls into question the legitimacy of these transactions. The average transaction for a small grocery in New York during the review period was \$11.18. The largest transaction at Appellant's store was \$194.23, which is 1700% greater than the average transaction for small grocery stores in New York.

With regard to Appellant's contentions, through counsel, there was no documentary evidence provided to support the high dollar transactions specifically in Appellant's store. The reports and research provided specified spending habits of SNAP participants; however, it is expected that the rapid spending of benefits was conducted at establishments with suitable inventory to meet the needs of all customers. The store visit confirmed that Appellant's store did not have such inventory. While it is agreed that large households need a greater quantity of groceries, the record reflects that the inventory at Appellant's store could not constantly satisfy the needs of these households.

As previously stated, the store's inventory was limited to inexpensive single food items that unlikely attracted customers to spend large amounts. The most expensive items were a few bags of shrimp and baby formula. Appellant's inventory unlikely continuously generated high dollar transactions. More importantly, no compelling proof that the transactions completed at Appellant's store were legitimate purchases, as no invoices were submitted to prove the restocking of inventory and no cash register receipts were provided to corroborate the SNAP transactions throughout the review period.

Based on the above analysis, the Retailer Operations presented a convincing case that the 107 Mini Market Corp. trafficked in SNAP benefits which the Appellant failed to adequately rebut.

The attachments furnished with the charge letter identify the irregular patterns of SNAP transactions which indicate that trafficking was taking place at the firm during the review period. As there is more than one pattern of trafficking, a determination that the Appellant firm engaged in trafficking becomes more convincing.

ALERT is a system utilized by the agency to identify transaction patterns that appear unusual, irregular, and inexplicable for the store type in comparison to other retailers and in reviewing other factors specific to Appellant's store. Appellant is given an opportunity to adequately explain those transaction patterns through its response to the charge letter and now in its review for Administrative Review. The purpose of this review is not to examine the statistical innerworkings of the ALERT system and whether or not there is a correlation coefficient between any of the ALERT scans and trafficking based on information found in various studies and data provided by Counsel.

Appellant, through counsel, contends that considering should be given to the store's past compliance as a factor in support of the position that the transactions set out during the review period were not trafficking. With regard to this contention, for the purposes of this review, a record of no previously documented instances of violations or misconduct regarding participation in the SNAP does not constitute valid grounds for dismissal of the current charges of violations or for mitigating the impact of those charges. SNAP regulations do provide for warning letters in some cases. Specifically, 7 CFR 278.6(e)(7) states "send the firm a warning letter if violations are too limited to warrant a disqualification." However, the Appellant was charged with trafficking in SNAP benefits which warrants a permanent disqualification. Trafficking violations are not "violations that are too limited to warrant a disqualification." Therefore, the Appellant's contention does not constitute valid grounds for dismissal of the current charges of violations or for mitigating the impact of those charges.

Appellant, through counsel, must provide documentation that provides evidence that the SNAP transactions as cited in the charge letter were in fact legitimate SNAP transactions. The statements made by counsel as taken from the various reports supplied during this review, though they may be the result of studies conducted on households receiving and using SNAP benefits in general, these statements do not directly or specifically explain the transactions in Appellant's store as cited in the charge letter given the specific characteristics of Appellant's firm and the review period in question. Furthermore, although the information in these various reports is the result of studies conducted and show valid information to the same, the studies were not conducted on Appellant's store in particular and do not specifically address the transactions cited in the charge letter without tangible evidence to the same.

It is pertinent to give full and fair consideration to all evidence provided by both Retailer Operations Division and Appellant. The tendency to seek confirming evidence to both the sanctions and contentions, as presented during the administrative review, does not, in and of itself, violate the norms of effective and deductive reasoning. The transaction data and overall firm record convincingly demonstrate repetitive patterns of unusual, irregular, and inexplicable SNAP activity for this type of firm indicative of trafficking. Once Retailer Operations Division established a convincing case against Appellant, ownership bears the burden of proving, by a preponderance of the evidence, that the administrative action should be reversed. That means the

Appellant has the burden of providing relevant evidence which a reasonable mind, considering the record as a whole, would accept as sufficient to support a conclusion that the matter asserted is more likely to be true than not true. If this is not demonstrated, the case is to be sustained.

As noted, 7 CFR § 278.6(a) states that FNS may disqualify any authorized retail food store if the firm fails to comply with the Food and Nutrition Act of 1977, as amended, or this part. Such disqualification shall result from a finding of a violation on the basis of evidence that may include facts established through inconsistent redemption data, and evidence obtained through a transaction report under an electronic benefit transfer system.

Retailer Operations has presented a convincing case that Appellant has likely trafficked in SNAP benefits. This is evidenced by: the suspicious patterns identified in the charge letter, the lack of food inventory necessary to support the firm's SNAP redemptions as observed and recorded during the onsite visit, the lack of cash register receipts to corroborate the SNAP transactions cited in the charge letter, the lack of purchase invoices of foods to cover SNAP redemption totals for the review months, the lack of adequate explanations for customer spending habits given that there are other SNAP authorized stores located within proximity to Appellant, and the irregular SNAP transaction data of Appellant as compared to other small grocery stores in the State.

Generally, stores caught in trafficking violations consistently display particular characteristic transaction patterns including those cited in the charge letter and, in the absence of evidence for the legitimacy of such transaction patterns, based on information submitted by the Appellant and a comparison of the store's characteristics and available stock to the transaction patterns cited in the charge letter, a conclusion can be drawn through a preponderance of evidence that the unusual, irregular, and inexplicable transactions and patterns evidence trafficking as the most likely explanation. While ownership was afforded the opportunity to provide valid explanations and evidence that support that the questionable transactions were the result of legitimate purchases of eligible food items, Retailer Operations Division determined that Appellant's contentions did not outweigh the evidence in the record.

This administrative review decision is based on the specific circumstances of this case as documented by materials provided by Appellant, through counsel, and the Office of Retailer Operations Division. This administrative review decision does not establish policy or supersede federal law or regulations. As to the court cases cited by counsel, the administrative review process is to determine whether FNS followed the Food and Nutrition Act and the regulations issued under the Act when it acted against the retailer. The administrative review officer is not responsible for determining whether any court cases cited by counsel apply to Appellant's situation. If this final agency decision is appealed to the federal district court, the judge is responsible for determining whether the court cases cited by counsel are on point and applicable to the case presently under review. Appellant, through counsel, has not provided sufficient evidence to rebut the conclusive case that Appellant most likely trafficked in SNAP benefits. As such, the SNAP regulations are specific with regard to the action that must be taken if personnel of the firm have trafficked, which is that FNS shall disqualify the firm permanently.

CIVIL MONEY PENALTY

The Appellant did not timely request consideration for a trafficking CMP in lieu of a permanent disqualification under 7 CFR § 278.6(i) even though it was informed of the right to do so in the charge letter dated August 3, 2017. Even if a timely request had been submitted, the Appellant would likely not have been eligible for a trafficking CMP in lieu of disqualification because there is insufficient evidence to demonstrate that the firm had established and implemented an effective SNAP compliance policy and program *prior* to the violations. Therefore, the Retailer Operations Division' decision, not to impose a trafficking CMP in lieu of disqualification, is sustained as appropriate pursuant to 7 CFR § 278.6(i).

CONCLUSION

Retailer Operations Division' analysis of Appellant's EBT transaction record was the primary basis for its determination to permanently disqualify 107 Mini Market Corp. This data provided substantial evidence that the questionable transactions during the review period had characteristics that are consistent with trafficking in SNAP benefits. Therefore, based on a review of all the evidence in this case, it is more likely true than not true that program violations did, in fact, occur as charged by Retailer Operations Division. Based on the discussion above, the determination to impose a permanent disqualification against 107 Mini Market Corp. is sustained.

RIGHTS AND REMEDIES

Your attention is called to Section 14 of the Food and Nutrition Act of 2008, as amended, (7 U.S.C. § 2023) and to Title 7, Code of Federal Regulations, Part 279.7 (7 CFR § 279.7) with respect to your right to a judicial review of this determination. Please note that if a judicial review is desired, the Complaint, naming the United States as the defendant, must be filed in the U.S. District Court for the district in which you reside or are engaged in business, or in any court of record of the State having competent jurisdiction. If any Complaint is filed, it must be filed within thirty (30) days of receipt of this Decision.

Under the Freedom of Information Act (FOIA), we are releasing this information in a redacted format as appropriate. FNS will protect, to the extent provided by law, personal information that could constitute an unwarranted invasion of privacy.

Monique Brooks
ADMINISTRATIVE REVIEW OFFICER

November 1, 2021