

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

**Bento Enterprises LLC- 5 Star General  
Store,**

**Appellant,**

**v.**

**Retailer Operations Division,**

**Respondent**

**Case Number: C0245357**

**FINAL AGENCY DECISION**

It is the decision of the U.S. Department of Agriculture (USDA), Food and Nutrition Service (FNS) that there is sufficient evidence to support a finding that the permanent disqualification of Bento Enterprises LLC- 5 Star General Store (Bento Enterprises LLC or Appellant) from participation as an authorized retailer in the Supplemental Nutrition Assistance Program (SNAP), 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), (c) and (e)(1) in its administration of the SNAP, when it assessed a permanent disqualification against Appellant.

**AUTHORITY**

7 USC § 2021 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 June 24, 2021, the Retailer Operations Division charged 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 December 2020 through April 2021. 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 Appellant could request a trafficking civil money penalty (CMP) in lieu of a permanent disqualification within ten days of receipt under the conditions specified in 7 CFR § 278.6(i).

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Appellant, through counsel, provided a written response to the charges by letter dated July 30, 2021. Appellant denied that trafficking and explained that the transactions are normal based on the unique circumstances of the store. After considering the evidence and the retailer's reply, the Retailer Operations Division issued a determination letter dated September 10, 2021. The determination letter informed Appellant that it was permanently disqualified from the SNAP in accordance with 7 CFR § 278.6(c) and § 278.6(e)(1). The determination letter also stated that Appellant was not eligible for a trafficking CMP because Appellant failed to submit sufficient evidence to demonstrate that the firm had established and implemented an effective compliance policy and program to prevent violations of the SNAP.

In a letter dated September 17, 2021, Appellant, through counsel, appealed the Retailer Operations Division's determination and requested an administrative review. 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 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.

### **CONTROLLING LAW**

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

7 USC § 2021(b)(3)(B) states, in part:

... a disqualification under subsection (a) shall be ... permanent upon ... the first occasion or any subsequent occasion of a disqualification based on the purchase of coupons or trafficking in coupons or authorization cards by a retail food store or wholesale food concern or a finding of the unauthorized redemption, use, transfer, acquisition, alteration, or possession of EBT cards ...

7 CFR § 271.2 defines trafficking, in part, as:

The buying, selling, stealing, or otherwise effecting an exchange of SNAP benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers and personal identification numbers (PINs), or by manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone; . . .

7 CFR § 278.6(a) states:

FNS may disqualify any authorized retail food store . . . if the firm fails to comply with the Food and Nutrition Act of 2008, 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**, . . .” (emphasis added)

7 CFR § 278.6(b)(2)(ii) states, inter alia:

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(e)(1) reads, in part:

FNS shall disqualify a firm permanently if personnel of the firm have trafficked as defined in § 271.2.

7 CFR § 278.6(i) states, inter alia:

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

Appellant was charged and determined to be trafficking based on an analysis of EBT transaction data from December 2020 through April 2021. This involved the following SNAP transaction patterns which are indicative of trafficking:

- Multiple transactions were made from the accounts of individual SNAP households within a set time period.
- The store conducted EBT transactions that were large based on the observed store characteristic and recorded food stock.

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

## APPELLANT'S CONTENTIONS

In its September 17, 2021, administrative review request, and subsequent correspondence submitted on October 28, 2021, Appellant, through counsel, provided the following summarized contentions, in relevant part:

- Appellant sells a variety of staple foods including beef, chicken, seafood, deli meats, deli cheese, fruits, vegetables, eggs, cereal, pasta, bread, rice, butter, canned meats, frozen meals, juice, cakes, cookies, nuts, and additional food items.
- The business has never had a SNAP compliance problem.
- It is only logical that a long compliance history would be evidence to support a retailer's position that the store had no intent to violate regulations.
- Appellant is in an economically depressed area, located across from a tent city, and draws a significant number of SNAP participants.
- Appellant has sufficient variety and quantity to meet the needs of several households.
- Appellant did not have an opportunity to evaluate all the information considered by the office since the case was not held in abeyance awaiting the FOIA response.
- Appellant sells additional expensive items that were not cited in the store visit report including: additional deli meats, steak, sausage, pork chops, and meat packages ranging from \$99.99 - \$149.99.
- There were some errors in the store visit report such as there is no hot food sold, 20% of food in storage issued for preparation not 80%; store does not sell gas or automobile products; the store has only one point of sale device; and the store sells meat bundles.
- Appellant provided invoices to demonstrate that it had adequate eligible food items to account for the transactions during the review period.
- It is likely that a confirmation bias exists, and ambiguous and contradictory evidence has been disregarded or interpreted in such a way that favors the hypothesis that trafficking is occurring at Appellant.
- FNS bears the burden of proof not the retailer.
- Since COVID, SNAP participants, as well as grocery customers nationwide, have sought to limit their exposure to large crowds traditionally found at super stores and supermarkets.
- FNS does not know what the correlation coefficient is between any of the ALERT Scans and trafficking in SNAP benefits.
- The link between the ALERT scan categories and the actual act of trafficking in SNAP benefits is weak and the presence of trafficking in stores identified to have ALERT hits is the exception to the rule.
- Co-shopping is on the rise, where both adults are responsible for the groceries.
- This is manifested in the SNAP participants that shop at Appellant in the following ways: different household members will shop separately (using the same account) to pick up different needs, and personal needs, on top of the household's list; and different household participants will travel to the Store together to make purchases, and then separate their purchases to track what amount each party has used from their benefits account.
- Customers are also a fan of the deli, custom grocery ordering, and the pre-made and customized meat packages.
- Households make purchases for friends, for large gatherings, or to satisfy needs.

- Customers place an order by telephone and pays for order at store but then may have a separate order.
- The displaced homeless community from Tent City have moved to Collyer Park which is located directly across the street from Appellant. Since this community have no refrigeration, they visit the store multiple times a day for their needs.
- The surrounding SNAP retailers have less variety and higher prices.
- Transportation inconsistency is another reason why Appellant's transactions appear the way they do if the transportation to another store it is not dependable.
- Many of the local SNAP household members are unemployed and to satiate their boredom, these participants will regularly shop at stores to find something to do.
- The inventory offered is of such variety that it's reasonable to assume that a household could satisfy all their needs on a single shopping trip.
- The households conducting the large transactions likely have a larger amount of SNAP household members.
- Appellant's expensive items are more than enough to account for the large purchases including the deli, meat packages, and other expensive items.
- The other local SNAP retailers do not have the deli, pre-made and customized meat packages that Appellant offers and therefore these transactions stand out.
- The transactions are not trafficking and are supported by the substantial inventory and are reasonably explained by co-shopping, Appellant's pricing structure, and the reliance on Appellant as a primary grocery.
- It is more likely that legitimate transactions have been misidentified because of an errant assumption about the store's inventory and clientele.

In support of its contentions, counsel submitted the following documents:

- Thirty-five customer affidavits.
- Bank statements for December 2020, January 2021, March 2021, and April 2021.
- Ninety-five pages of photos including a three-page menu for meat packages.
- Inventory Received separated into six separate files.
- Five photos of the Rhode Island Division of Taxation Business Tax Payments for the months of the review period.
- Photo of the POS system and cash register booklet.
- Owner affidavit.
- Excel Spreadsheets for each month of the review period.
- Daily reports for each month of the review period.
- Profile of SNAP Households in 2018 for Rhode Island.
- Benefit Redemption Patterns in the Supplemental Nutrition Assistance Program in Fiscal Year 2017 Final Report by Insight Policy Research issued in September 2020.
- Tent City Article.

The preceding may represent only a brief summary of the Appellant's contentions presented in this matter. However, in reaching a decision, full attention and consideration has been given to all contentions presented, including any not specifically recapitulated or specifically referenced.

## ANALYSIS AND FINDINGS

### Store Visit

FNS authorized Bento Enterprises LLC as a small grocery on November 21, 2018. The case file indicates that in reaching a disqualification determination, the Retailer Operations Division considered information obtained during a February 25, 2021, store visit 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:

- Appellant is approximately 1300 square feet.
- There were 12 shopping baskets and no shopping carts for customer use.
- There was one cash register and two point of sale (POS) devices.
- There was no optical scanner.
- The checkout area was small with limited space to place items.
- There was a deli case that contained deli meat, cheese, and some fresh meat and poultry products.
- Dairy included milk, cheese, butter, and sour cream,
- There was a limited selection and quantity of fresh produce including some onions, one bunch of bananas, some apples, and a couple of oranges.
- Frozen food included chicken strips, sausage, waffles, individual dinners, and potatoes.
- Other staple foods available for purchase were juice, eggs, bread, cereal, pasta, and a limited selection of canned goods.
- Much of the remaining stock consisted of accessory foods such as candy and carbonated and uncarbonated drinks.
- Ineligible items included lottery and health and beauty aids.

The SNAP eligible food stocked by the store was generally of a low dollar value consisting mainly of inexpensive canned and packaged goods, snack foods, single-serving food items and accessory food items. The highest priced items noted included shrimp - \$17.99, ribeye steaks - \$12.99, roast beef - \$6.99, frozen fish sticks - \$6.99, rice - \$8.99, and hot dogs - \$7.49. and deli meats priced between \$7.99 and \$12.99 per pound. Given the available inventory, there was very little sign that the firm would be likely to have SNAP redemption patterns that differed significantly from those of similar-sized competitors, especially competitors that sell similar or identical food items.

### Charge Letter Attachment

Each attachment furnished with the charge letter represents the questionable and unusual patterns of SNAP transactions indicative of trafficking which were conducted at the Appellant firm during the review period. As there is more than one pattern of irregular transactions, the case of trafficking becomes more convincing.

**Charge Letter Attachment 1. Multiple transactions were made from individual benefit accounts in a set timeframe.** This attachment documents 53 sets of transactions conducted by 24

households that total \$9,246.38 in SNAP benefits that meet the parameters of this scan. One household conducted six larger than average SNAP transactions within a short period that total \$655.02 in SNAP benefits. Another household transacted a total of \$421.89 at Appellant. Multiple transactions conducted by the same household account within a short period of time is a method which violating stores use to avoid single high dollar transactions that cannot be supported by a retailer's inventory and structure.

Although it is not uncommon for customers to have more than one transaction per day, it is not common that such multiple transactions are for large dollar amounts. 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 Appellant's stock and facilities and are therefore indicative of trafficking. The photographs from the store visit offer no explanation as to why SNAP customers would routinely shop at Appellant multiple times during a short period or purchase such a large volume of items, there being no great variety of products, price advantage, profusion of large packages, or significant bulk items for sale. The second and third transactions in each set are too large to consist of forgotten items.

Counsel explains that co-shopping results in a higher number of transactions that occur in a shorter period than expected. Co-shopping may occur, but it is unlikely the reason that Appellant has more frequent large transactions by the same household than other similar stores during the review period. This would manifest itself in these households conducting similar transaction patterns at other retailers. Yet, the Retailer Operations Division found that the comparator store only conducted four similar transaction sets while Appellant conducted 53 transaction sets. This begs the question why households would be more likely to co-shop at Appellant than at other similar nearby stores.

Appellant explains that it is located near a homeless population and these customers make frequent SNAP transactions at Appellant because they do not have refrigeration. It seems credible that a homeless population would make frequent trips given that they do not have the storage capability. However, each of the transactions listed are much larger than an average SNAP transaction at small grocery. There was no evidence submitted to explain why homeless households would make repeated larger than average SNAP transactions.

Appellant has not offered sufficient evidence to show that the transactions listed in Attachment 1 were legitimate purchases of eligible food.

**Charge Letter Attachment 2: Excessively large purchase transactions were made from recipient accounts.** This attachment lists 240 transactions as large as \$259.05, and that total \$18,203.82. There is no evidence that the firm would be likely to have SNAP redemption patterns that differ considerably from similar-sized competitors. Considering Appellant's offering of eligible food stock, these large dollar transactions are questionable and likely indicative of trafficking.

Counsel reports the store visit report missed some higher priced items including additional deli meats, steak, sausage, pork chops and meat packages ranging from \$99.99 - \$149.99. However, the meat packages were not advertised and were not mentioned by the store employee that the contractor surveyed. If these specials were routinely purchased by customers, it would be likely

that the store worker would mention the specials, or the specials would be advertised in a visible location for customers. Counsel provided a copy of Appellant's advertisement for meat specials. Again, this was not visible during the store visit. In addition, the store has a website and there is no mention of meat packages on their website.

Appellant does sell some fresh meat. However, if meat packages were a large part of the retailer's business, then it would be expected to have a larger quantity of meat available onsite to satisfy such purchases. Appellant explained that the meat is housed at the owner's home freezer. There was no evidence to support this statement. If Appellant sold a significant amount of meat packages, this would likely lead to a larger than average SNAP transaction amount. However, Appellant's average SNAP transaction amount was below the average for similar sized store. A store that sells significant amount of meat would drive the SNAP average transaction up.

Appellant, through counsel, also indicated the store visit report also another higher priced items - infant formula. There was no infant formula visible on the day for the store visit. However, Appellant is a WIC authorized vendor, so it likely that it did sell infant formula. A review of the invoices shows that Appellant only purchased \$239.66 of infant formula and infant food during the review period. It is also more likely that customer would use their WIC benefits to purchase the limited amount of infant formula that was sold by Appellant during the review. There is no evidence to support that these larger than average SNAP transactions were due to the purchase of infant formula or meat packages.

The Retailer Operations Division compared Appellant to a nearby similarly stocked store with similar fresh meats and deli. The Retailer Operations Division determined that the transaction pattern of Appellant exceeded the other store, as seen on the table herein. The data from this nearby store shows that the transaction patterns at the Appellant firm were unusual.

Store	Attachment 1 Pattern	Attachment 2 Pattern
Appellant	53	240
Store #1	4	17

The Retailer Operations Division also compared Appellant to the average for small groceries in Rhode Island. Appellant's total SNAP dollar volume was 250% greater than the average for small groceries in the State. Similarly, Appellant conducted 350% more SNAP transactions than the average for small groceries in the State. Yet, Appellant's average SNAP transaction amount was 22% less than the average SNAP transaction for small groceries in the State. Appellant also conducted more larger dollar SNAP transactions between \$45.00 and \$99.99 than the average. For example, Appellant conducted 86 SNAP transactions in the \$50.00 - \$59.99 range and the average for small groceries in the State was 36 SNAP transactions.

Counsel contends that transportation inconsistency is another reason why the store's transactions appear the way they do if transportation to other stores is not dependable. Sometimes a firm may have higher than average SNAP transaction amounts due to the lack of access to other SNAP authorized stores. Within a one-mile radius, there are least 12 other authorized firms, including a super store located 0.23 miles from Appellant.



The Retailer Operations Division reviewed the transaction activity of four households that conducted some of the flagged transactions. Each of these households conducted SNAP transactions at a super store or supermarket within one day of its flagged transaction at Appellant. For example, between December 11 and December 12, 2021, Household #1 conducted six SNAP transactions at Appellant totaling \$381.97 and shopping at a superstore on December 12, 2021, transacting \$100.00. Similarly, between January 20 and January 24, 2021, Household #2 conducted nine SNAP transactions at Appellant that totaled \$613.03 in SNAP benefits and then transacted \$55.40 at a super store. The evidence supports that these households had access to transportation within a short time frame of their unusual large transactions at Appellant. It is questionable as to why households would conduct large transactions at Appellant, when these households had just visited or planned to visit larger stores with a better selection of fresh meat and produce and likely better prices.

### **Monthly and Daily Reports**

Appellant submitted numerous Excel spreadsheets for each month of the review period. These reports showed what the retailer sold such as produce, meat, and groceries. However, there were no cash register receipts provided to support the information that was used to create these documents. In its original reply to the charges, Appellant explained that the store owner keeps the register receipts but did not submit them. The Excel spreadsheets without the data used to create them is not sufficient evidence for the questionable transactions.

### **Customer Statements**

Counsel submitted 32 customer statements in support of its administrative review request. The Retailer Operations Division attempted to review the transaction history twenty-one of these households that submitted affidavits with its original reply to the charges. Of the 21 households they reviewed, six households could not be located and three did not conduct any of the flagged SNAP transactions at Appellant during the review period. Eleven of the households conducted SNAP transactions at Appellant during the review period. However, the Retailer Operations Division determined that the customer statements were insufficient and not considered credible evidence that the flagged transactions were for eligible food items only.

### **Invoices**

With its reply to the charges, counsel submitted invoices from the retailer. The Retailer Operations Division analyzed the invoices submitted and determined that Appellant likely purchased sufficient inventory to satisfy Appellant's SNAP redemptions and its WIC redemptions for the review period. However, even with sufficient food stock purchased at Appellant to mathematically support high dollar transactions, the frequent large dollar transaction and large dollar transactions are still questionable. The Retailer Operations Division determined that most of the invoices pertained to the purchase of its hot and prepared food inventory.

## **Video Clip**

With its original reply to the charges, Appellant submitted a seven minute and thirty second video clip of a household conducting three large SNAP transactions with six minutes. The time listed on the video was used to look up the actual transaction data and found that the total of the three transactions was \$221.56 in SNAP benefits. It is interesting to note that this household had not conducted any SNAP transactions at Appellant prior to this visit and therefore did not conduct any of the flagged transactions listed in the charge letter. In fact, this household only conducted six SNAP transactions at Appellant and all occurred in July 2021. This household shopped at many other stores with most of its transactions conducted at another convenience store.

Given that Appellant had access to video footage, it would be more convincing to show some footage of the alleged meat packages being sold or some of the households that conducted the flagged SNAP transactions listed on the charge letter. The video footage did show the clerk printing copies of receipts and keeping them as alleged by the firm's first attorney in the reply to the charges. It is curious why these receipts were not submitted to explain the questionable transactions.

Lastly, the video clip appears to be a unique shopping/transaction experience. None of the 57 transaction set transactions listed in Attachment 2 were conducted as rapidly as the transactions in the video clip. Just two of the 57 transactions sets likely occurred during the same visit: one 23 minutes apart and the other 34 minutes apart. Each of the other transactions sets occurred at least one hour apart. Thus, the video clip is either simply an exception rather than normal shopping behavior or the transactions were conducted in direct response to the charge letter given the video was from July 7, 2021, and the charge letter was sent on June 24, 2021.

## **FOIA Regulations and Due Process**

Appellant contends that the failure to hold the case in abatement pending a FOIA response is a violation of 7 CFR § 278.6(b)(1). A final rule published on August 26, 2020, added paragraph (p) to 7 CFR Section 278.6. Under this rule, FNS processes FOIA requests and FOIA appeals separately from administrative actions against SNAP retailers. Therefore, a FOIA request or appeal for records, does not delay or prohibit FNS from making a determination regarding disqualification or penalty against a firm.

## **Evidence**

The ALERT system is a computerized fraud detection tool to identify SNAP transactions that form patterns having characteristics indicative of trafficking. However, this tool does not by itself determine or conclude that trafficking has occurred. The Retailer Operations Division must still conduct an extensive analysis of the transaction data and patterns, often with other factors such as, in this case, observations from store visits, an analysis of customer shopping behavior and a comparison of stores in the area, and render a determination whether the questionable transactions were, more likely than not, the result of trafficking.

The legality of this method is supported by 7 CFR §278.6(a) which states, inter alia, “FNS may disqualify any authorized retail food store . . . if the firm fails to comply with the Food and Nutrition Act of 2008, as amended, or this part. Such disqualification shall result from a finding of a violation based on 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 . . .**” [Emphasis added.]

The documentation and evidence provided by the Retailer Operations Division was thoroughly examined. From all indications, the Retailer Operations Division obtained the EBT data (provided by ALERT), found it to be suspicious in comparison to other area stores of similar size, and then undertook a thorough investigation before concluding that trafficking was likely occurring.

Appellant bears the burden of demonstrating by a preponderance of the evidence that the administrative actions should be reversed and that the transactions detailed in the charge letter were more likely than not due to the legitimate sale of eligible food in exchange for SNAP benefits. Appellant offered insufficient evidence to prove that the transactions listed in the charge letter were legitimate purchases of eligible food. In the absence of compelling information or documentation weighed in comparison to the evidence provided by the Retailer Operations Division, the evidence weighs in favor of the Retailer Operations Division’s determination that SNAP-benefit trafficking substantially produced the transaction activity at issue in the present case.

### **CIVIL MONEY PENALTY**

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. SNAP regulations at 7 CFR § 278.6(b)(2)(iii) states that “if a firm fails to request consideration for a civil money penalty in lieu of a permanent disqualification for trafficking and submit documentation and evidence of its eligibility **within the 10 days** specified in § 278.6(b)(1), the firm **shall not be eligible** for such a penalty.” [Emphasis added.] 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. The Retailer Operations Division’s decision not to impose a trafficking CMP in lieu of disqualification is sustained as appropriate pursuant to 7 CFR § 278.6(i).

### **CONCLUSION**

The Retailer Operations Division’s analysis of Appellant’s EBT transaction record was the primary basis for its determination to permanently disqualify Appellant. This data provided substantial evidence that the questionable transactions during the review period had characteristics that are consistent with trafficking violations 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 occur as charged by the Retailer Operations Division. The determination to impose a permanent disqualification against Appellant is sustained. The Retailer Operations Division’s determination

that Appellant was not eligible for a trafficking civil money penalty according to the terms of 7 CFR Section 278.6(i) of the SNAP regulations is also sustained.

### **RIGHTS AND REMEDIES**

Applicable rights to a judicial review of this decision are set forth in 7 USC § 2023 and 7 CFR § 279.7. 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 the Appellant's owner resides or is 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, 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.

MARY KATE KARAGIORGOS  
Administrative Review Officer

March 15, 2022