

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

Guy Lombardo Candy and Grocery Inc,

Appellant,

Case Number: C0220922

v.

Office of Retailer Operations and Compliance,

Respondent.

FINAL AGENCY DECISION

The U.S. Department of Agriculture (USDA), Food and Nutrition Service (FNS), finds that there is sufficient evidence to support the determination by the Office of Retailer Operations and Compliance to impose a six month disqualification against Guy Lombardo Candy and Grocery Inc (hereinafter Appellant) from participating as an authorized retailer in the Supplemental Nutrition Assistance Program (SNAP).

ISSUE

The issue accepted for review is whether the Office of Retailer Operations and Compliance took appropriate action, consistent with Title 7 of the Code of Federal Regulations (CFR) § 278.6(a), § 278.6(e)(5 and 6), and § 278.6(f)(1) in its administration of the SNAP when it imposed a six month period of disqualification against Appellant.

AUTHORITY

According to 7 U.S.C. § 2023 and the implementing regulations at 7 CFR § 279.1, “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

USDA conducted an investigation of the compliance of Appellant with federal SNAP law and regulations during the period September 27, 2019, through October 25, 2019. The investigation determined that personnel at the Appellant firm accepted SNAP benefits in exchange for ineligible merchandise on three separate occasions. All three transactions were deemed clearly violative and warrant a six month disqualification period. The items sold are best described in regulatory terms as common nonfood items such as plastic utensils, plastic plates, paper towels, dishwashing detergent, hand sanitizer, and trash bags. The investigative report indicates that these violative transactions were handled by three different clerks. The report also notes that a different clerk refused to exchange SNAP benefits for ineligible items in Exhibit A and a second different clerk refused to exchange SNAP benefits for cash or for ineligible items in Exhibit F.

As a result of evidence compiled from this investigation, the Office of Retailer Operations and Compliance informed Appellant, in a letter dated December 3, 2020, that the firm was charged with violating the terms and conditions of the SNAP regulations, 7 CFR § 278.2(a). The letter states, in part, that the violations “. . . warrant a disqualification period of six months (Section 278.6(e)(5)). The letter also states that under certain conditions, FNS may impose a civil money penalty (CMP) in lieu of a disqualification (Section 278.6(f)(1)).”

Store ownership initially responded to the charges in a phone call to Retailer Operations staff on December 4, 2020. During this call, the owner admitted that his employees made the mistakes and that he wasn’t disputing the violations. The owner also stated that he would be submitting a written response. On December 10, 2020, Appellant, through counsel, requested and was approved for an extension of time until January 12, 2021, to respond to the charges. Appellant, through counsel, responded to the charges via email on January 12, 2021.

After giving consideration to the evidence, the Office of Retailer Operations and Compliance notified Appellant in a letter dated July 1, 2021, that it determined that violations had occurred at the firm, and that a six month period of disqualification from participating as an authorized firm in SNAP was warranted. This determination letter also states that Appellant’s eligibility for a hardship CMP according to the terms of Section 278.6(f)(1) of the SNAP regulations was considered. However, the letter stated “. . . you are not eligible for the CMP because there are other authorized retail stores in the area selling

as large a variety of staple foods at comparable prices.”

By letter dated July 2, 2021, Appellant, through counsel, appealed the Office of Retailer Operations and Compliance’s decision and requested an administrative review of this action. The appeal was granted and implementation of the sanction has been held in abeyance pending completion of this review. Subsequent correspondence dated August 25, 2021, and sent via email was also received.

STANDARD OF REVIEW

In an appeal of an adverse action, Appellant bears the burden of proving by a preponderance of evidence that the administrative action should be reversed. That means Appellant has the burden of providing relevant evidence that a reasonable mind, considering the record as a whole, would accept as sufficient to support a conclusion that the argument asserted is more likely to be true than untrue.

CONTROLLING LAW

The controlling law in this matter is contained in the Food and Nutrition Act of 2008, as amended (7 U.S.C. § 2021), and implemented through regulation under Title 7 CFR Section 278. In particular, Sections 278.6(a) and (e)(5) establish the authority upon which a six month disqualification may be imposed against a retail food store or wholesale food concern.

7 CFR § 271.2 states that: Eligible foods means 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 § 278.2(a) states that: Coupons [SNAP benefits] may be accepted by an authorized retail food store only from eligible households, and only in exchange for eligible food. Further, the citation specifies that coupons may not be accepted in exchange for cash, in payment of interest on loans, or for any other nonfood use.

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 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.

7 CFR § 278.6(e)(5) states that: a firm is to be disqualified for six months if it is to be the first sanction for the firm and the evidence shows that personnel of the firm have committed violations such as but not limited to the sale of common nonfood items due to carelessness or poor supervision by the firm's ownership or management.

7 CFR § 278.6(f)(1) states that, "FNS may impose a civil money penalty as a sanction in lieu of disqualification when the firm's disqualification would cause hardship to SNAP households because there is no other authorized retail food store in the area selling as large a variety of staple food items at comparable prices. FNS may disqualify a store which meets the criteria for a CMP if the store had previously been assigned a sanction. A CMP for hardship to SNAP households may not be imposed in lieu of a permanent disqualification.

7 CFR § 278.6(p) Freedom of Information Act (FOIA) requests and appeals states that, "A FOIA request or appeal for records shall not delay or prohibit FNS from making a determination regarding disqualification or penalty against a firm under paragraphs (c) and (d) of this section, or delay the effective date of a disqualification or penalty listed in paragraph (e) of this section."

APPELLANT'S CONTENTIONS

The following may represent a summary of Appellant's contentions 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 herein:

- This case was issued after the USDA's new rules regarding FOIA. Specifically, the Appellant was not permitted FOIA requests and the abatement of this matter therewith. This is a violation of the regulations. 7 CFR § 278.6(b)(1) states in clear terms, "Any firm considered for disqualification... shall have full opportunity to submit to FNS information, explanation or evidence concerning any instances of non-compliance before FNS makes a final administrative determination." Appellant cited a Final Agency Decision from 2016 as evidence that the Appellant was not afforded the opportunity to submit a response to the charges. Appellant further states that it appears to be FNS's position that it can now make decision prior to the retailer receiving a FOIA response – thereby depriving the retailer of a full opportunity to respond. "In the final decision comments made by what was RPMD at the time, FNS stated that it believed production [sic] the transactions were more than adequate information to reply to. However, in deposition after deposition Section Chiefs, Program Specialists, and agency officials have insisted that these EBT cases are not solely based on the transactions – that disqualifications in these cases are the result of "numerous factors," including household information, comparison store information, store visit reports and transaction amounts comparisons." The Appellant has had no opportunity to evaluate and respond to all

of the information considered by your office to be instrumental in these cases, so this response cannot possibly be considered a “full opportunity.” A decision rendered here is a violation of the regulation;

- The store is located in Freeport, NY and has been in business for over 15 years. Appellant cited demographic data for area residents including statistics on households with children or older members as well as the median income of SNAP households. The store itself operates as a grocer serving a variety of food items, nearly all of which qualify as eligible items under SNAP regulations. The Appellants’ store carries juices, soda, cheese, eggs, ice cream, butter, milk, chips, canned meats, pasta, rice, cereal, bread, condiments, candy, snacks, canned soups, and additional food items and in this area, it is relied upon significantly to help feed the local SNAP population. Without this store’s SNAP participation, the local neighborhood would suffer a hardship;
- Appellant summarized three violative transactions (Exhibits C, D, and E) using verbatim language from the investigative report as well as from SNAP federal regulations at 7 CFR § 278.6(e)(5) and 278.6(e)(7);
- Appellant adamantly denies any violation of SNAP regulations which would warrant a six-month disqualification. Several of the investigator affidavits show clerks denying ineligible items, trafficking, and other violative attempts by the clerk. Even if the allegations are taken as true, this case does not warrant a six month disqualification. In order to qualify for a six-month disqualification, the regulation indicates that the evidence must show that carelessness or poor supervision by ownership or management sold ineligible items. Furthermore, SNAP regulations require the Department to conduct a three part analysis in addition to determining whether or not FNS can issue a six month disqualification and the analysis should include the following elements from 7 CFR § 278.6(d): (1) The nature and scope of the violations committed by personnel of the firm, (2) Any prior action taken by FNS to warn the firm about the possibility that violations are occurring, (3) Any other evidence that shows the firm’s intent to violate the regulations, (4) Violations were committed by the store personnel such as the sale of common nonfood items; (7 CFR § 278.6(e)(5)), and (5) The sale of such common nonfood items was due to carelessness or poor supervision by the store’s ownership or management. There is no evidence whatsoever in the record that the alleged sales of common nonfood items was due to carelessness or poor supervision by the store’s ownership or management. The mere presence of the alleged violation – even in a certain volume – is not a prima facie case for “carelessness or poor supervision.” In the instant matter, store ownership maintains a strict set of rules for the operation SNAP regulations and has reviewed the regulations with each of the employees until they demonstrated personal knowledge of the rules. Evidence that such policy and training was in place can be found in the first investigation visit where the store personnel refused the sale of ineligible items on EBT. Furthermore, ownership has always worked to correct any problematic activity that occurs within the store, clarify any matters which employees indicate they are confused about, and to terminate employees who have violated rules and regulations governing any of the store’s business. To say that the store owner/manager was careless or failed to supervise the employees is without basis;
- The Department has neither pictures of 5 ineligible food items, audio nor video

recordings that these transactions occurred as described, despite having the ability to do so, nor does the Department have any other witnesses. As such, the Department's failure to utilize such tools, and choice to rely only upon an effectively unsigned affidavit, means that RIB has failed to meet its burden. As such, even if the allegations were accurate then the store's violations warrant a warning letter rather than a six-month disqualification. The clerks even refused to engage in trafficking. The Appellants deny that the transactions occurred as relayed by the investigator. The Appellants deny the allegations of violations as the Store has a policy against SNAP violations and the sale of ineligible items as a whole. The Store's owners maintain a strict set of rules for the transactions to be run in compliance with SNAP regulations and have reviewed the regulations and have personal knowledge of the rules. Evidence that such policy and training was in place can be found in the first investigation visit where the store personnel refused the sale of ineligible items on EBT;

- The Investigator's affidavit is "hearsay" by definition (an out of court statement made by a declarant offered to prove the truth of the matter asserted). Pursuant to Section 556(d) of the Administrative Procedure Act, hearsay evidence may only be relied upon in an administrative proceeding if found to be "reliable and credible". As such, the admission of the hearsay evidence at issue herein is dependent on "(1) whether the hearsay declarant was interested or biased, (2) whether the party opposing the hearsay had access to the information containing the hearsay and could have subpoenaed the declarant, (3) whether the information is inconsistent on its face, and (4) whether courts have recognized the information as inherently reliable." Appellant referenced court cases pertaining to hearsay;
- FNS is to send the firm a warning letter if violations are too limited to warrant a disqualification per 7 CFR § 278.6(e)(7). Appellant referenced court cases pertaining to this. The store would ask that a warning letter be issued in lieu of a six month disqualification. There were minimal ineligible items purchased by the investigator, all of which were reasonably related to food preparation and/or common household products. There was a clear misunderstanding on the part of the store's clerks regarding the difference between eligible verse ineligible items, and nothing in the record to indicate that the sales were intentionally violative. In this instance, the ownership had taken reasonable and fiscally practical steps to prevent SNAP violations. Their efforts cannot be reasonably described as careless or as poor supervision, as would be required to support a six (6) month disqualification under the regulation. Rather, it would seem as though the violations are exceptionally minor in nature, and while certainly in need of correction, proper corrective action can be achieved by the issuance of a warning letter. Appellant referenced additional court cases; and,
- This store is located in an area with comparatively low numbers of large SNAP retailers, and a higher volume of SNAP participants. Though there are several stores within a mile that are authorized, the price, food quality, and service at Guy Lombardo Candy & Grocery are well known to the local neighborhood. The other stores in the area are either priced higher or have less food. Appellant cited several Google reviews of the store. Furthermore, in the era of COVID, many SNAP households are having trouble traveling to larger stores, either for their own health and safety, or because they're prohibited from doing so. Accordingly, a six-month disqualification (which likely will still be subject to the COVID lockdowns) would be

a hardship on the local SNAP participants. Therefore, we respectfully request this Division withdraw the charges against my client and reissue a warning letter. In the alternative, please consider a Hardship Civil Money Penalty.

Appellant submitted the FNS Profile of SNAP Households in 2018 in Illinois Congressional District 1 in support of these contentions.

ANALYSIS AND FINDINGS

Regarding Appellant's denial of violations, it is important to clarify for the record that the purpose of this review is to either validate or to invalidate the earlier decision of the Office of Retailer Operations and Compliance and is limited to what circumstances were at the basis of the action at the time such action was made. In an appeal of an adverse action, the Appellant bears the burden of proving by a preponderance of evidence that the administrative action should be reversed. That means the Appellant has the burden of providing relevant evidence that a reasonable mind, considering the record as a whole, would accept as sufficient to support a conclusion that the argument asserted is more likely to be true than untrue. Assertions that the firm has not violated program rules, by themselves and without supporting evidence and rationale, do not constitute valid grounds for dismissal of the current charges of violations or for mitigating their impact. There is no provision in the SNAP regulations for waiver or reduction of an administrative penalty assessment on the basis of corrective actions implemented subsequent to investigative findings of program violations. While store ownership may not have personally conducted the violative transactions, SNAP rules and regulations state that regardless of whom the ownership of a store may utilize to handle store business or their degree of involvement in store operations, that ownership is accountable for the proper training of staff and the monitoring and handling of all SNAP benefit transactions. When store ownership signed the certification page of the SNAP retailer authorization application to become a SNAP retailer, it confirmed it understood and agreed to abide by program rules and regulatory provisions. It also agreed to accept responsibility on behalf of the firm for SNAP violations including those committed by any of the firm's employees, paid or unpaid, new, full-time or part-time. The certification is clear that store ownership understood by signing the document that violations of program rules can result in administrative actions such as fines, sanctions, withdrawal, or disqualification from the SNAP.

The FNS investigative report shows that three employees working at the Appellant firm accepted SNAP benefits for ineligible items on three separate occasions during the investigative period indicating an obvious pattern of SNAP violations most likely resulting from poor or no supervision. The report shows that the nature and scope of the violations under review do violate SNAP regulations, and the transaction amounts cited in the report also match FNS transaction records for the dates in question. There is no regulatory threshold for the dollar value of the ineligible items purchased or for the timeframe in which they were purchased. The acceptance of SNAP benefits for ineligible items is a violation of SNAP rules and regulations. The ineligible items sold were obvious nonfood items

and would not readily be confused with eligible edible food items. SNAP regulations explicitly state that FNS shall disqualify a store for a six month period if it is to be the first sanction for the firm, and the evidence shows that personnel of the firm have committed violations such as the sale of common nonfood items in exchange for SNAP benefits due to carelessness or poor supervision by the firm's ownership or management. The applicable regulations do not specify intent as being a required element for a six month disqualification.

SNAP benefits, in general, are only authorized to be used for the purchase of foods for the household to eat as well as seeds and plants which produce food for the household to eat. The common nonfood items purchased are clearly not edible foods and are not plants or seeds, so one has to question the level of training this employee received by store ownership and/or management. The basic concept of "if you can't eat it, you can't buy it using SNAP" is not a difficult one for employees to grasp, yet these employees allowed the purchase of ineligible items using SNAP benefits on multiple occasions. Had an effective compliance policy and program been in effect at the firm, it is unlikely that these employees would have made such obvious mistakes. The more likely explanation is that store ownership and/or management failed to properly train and subsequently supervise these employees. Additionally, had store ownership and/or management been supervising these employees through occasionally monitoring them using videotape, if available, or in person, it would have readily noticed that they were allowing the sale of ineligible nonfood items in exchange for SNAP benefits. It also would have been immediately evident to store ownership and/or management that these employees were deficient in their knowledge of SNAP rules and regulations had it periodically spot checked their knowledge and abilities by asking questions about SNAP eligible/ineligible items. Either of these basic supervisory techniques would have provided a no cost method for store ownership and/or management to ensure that store employees were not putting the firm's SNAP license at risk. These are clear signs of poor or no supervision by store ownership and/or management.

It is highly improbable, based on the willingness of these employees to exchange SNAP benefits for ineligible nonfood items, that the only instances of SNAP violations were those transactions identified as part of the FNS undercover investigation. Common sense dictates that these actions more likely than not represented an ongoing pattern of SNAP violations at the Appellant firm. As previously stated, store ownership is responsible for all SNAP transactions at the firm and therefore a certain minimal level of oversight and training on the part of ownership to ensure employees, especially new employees, are not violating SNAP laws or regulations is expected. It would be unusual and irresponsible for store ownership to not have a program of ongoing supervision of employee performance and conduct by periodically monitoring store transactions, including those involving SNAP, and reviewing daily balance sheets to ensure store employees were not stealing from the firm or conducting other activities that would jeopardize the licenses and income that the firm is dependent upon. Under SNAP regulations, the penalty for allowing the purchase of ineligible nonfood items using SNAP benefits as the result of poor supervision by ownership or management is a six month disqualification. The regulations do allow SNAP retailers to pay a hardship CMP, if eligible, as explained in the next section.

Contrary to Appellant's contention, the three ⁸ criteria from SNAP regulations at section 278.6(d)

listed below are not bases to be met in order for a firm to be disqualified, but are those areas that FNS considers in determining the appropriate level of sanction for firms that have violated SNAP regulations. The level of sanction could include temporary or permanent disqualification.

- 1) The nature and scope of the violations committed by personnel of the firm,
- 2) Any prior action taken by FNS to warn the firm about the possibility that violations are occurring, and
- 3) Any other evidence that shows the firm's intent to violate the regulations.

A review of the investigative report shows no errors or discrepancies and a comparison of the dates/times/amounts on the POS receipts issued by the Appellant firm to the USDA investigator correspond to the dates/times/amounts provided to FNS by the firm's EBT processor when it submitted the transactions to FNS for reimbursement. Other evidence provided (photos of the items purchased and detailed donation records signed by a local charitable organization) also support the details provided in the investigative report. While a firm that has previously received warnings of possible violations or that has been sanctioned before could receive a more severe penalty, SNAP regulations do not provide any grounds for dismissing or reducing penalties for those firms that have not received warnings or previously been sanctioned. There is no evidence that the Appellant firm received any prior warnings or has been sanctioned and there is no evidence that the firm's ownership or management intentionally violated SNAP regulations. Based on this discussion, the decision by the Office of Retailer Operations and Compliance to disqualify the firm for a six month period was the appropriate penalty.

Regarding a warning letter, there are no requirements in existing FNS regulations that require stores suspected of trafficking or misusing SNAP benefits be provided with a written or verbal notification that violations of SNAP regulations may be occurring and the potential penalties. Warning letters are issued in those situations where the SNAP violations are of a limited nature that would not warrant a disqualification and therefore would not have been appropriate in this situation.

The Appellant offered no evidence to validate its claims. Since Appellant's contentions are only assumptions, not facts, and no basis has been presented to substantiate them, they are found to be without merit.

Based on this discussion, the decision by the Office of Retailer Operations and Compliance to disqualify the firm for a six month period was the appropriate penalty and there is no valid basis for dismissing the charges or for mitigating the penalty imposed.

Other Contentions

Regarding Appellant's contentions relating to the FOIA process, the FOIA is governed by current FOIA rules and regulations which fall outside of the purview of this administrative review and so are not addressed further. However, it is noted for the record that Appellant's contentions relating to this being an EBT case have no bearing on the matter under review as this is an investigative case.

In regard to case law cited by Appellant, considerations of relevant legal precedent through case law, or the lack thereof in relation to the present case, are beyond the scope of this review. This review relies upon the statute and regulations governing the SNAP and evaluates whether the decision to impose a disqualification upon the Appellant was in accordance with same and sustainable by a preponderance of the evidence. Appellant's case law references are acknowledged in this context only.

That the Appellant firm is located in a low income area does not provide any meaningful basis to mitigate the SNAP violations conducted by employees of the Appellant firm. There are many SNAP retailers located in high poverty areas that do not allow the exchange of SNAP benefits for ineligible items.

Appellant contends that the investigative report is hearsay, and that pursuant to Section 556(d) of the Administrative Procedure Act, hearsay evidence may only be relied upon in an administrative proceeding if found to be "reliable and credible". As such, the admission of the hearsay evidence at issue herein is dependent on "(1) whether the hearsay declarant was interested or biased, (2) whether the party opposing the hearsay had access to the information containing the hearsay and could have subpoenaed the declarant, (3) whether the information is inconsistent on its face, and (4) whether courts have recognized the information as inherently reliable." Appellant referenced court case pertaining to hearsay. However, the cases cited by Appellant refer to criteria for documents submitted into evidence in lieu of witness testimony in administrative hearings. Revisions to parts 278 and 279 of the Supplemental Nutrition Assistance Program regulations eliminated administrative hearings effective September 8, 2003. Accordingly, these case citations are not relevant to this administrative review.

CIVIL MONEY PENALTY

Appellant is not eligible for a trafficking CMP as these only apply in cases of permanent disqualifications. The matter under review is a term disqualification of six months and does not involve trafficking therefore a trafficking CMP cannot be considered under 7 CFR § 278.6.

A hardship CMP as an optional penalty in lieu of a six month disqualification was considered in this case. Such a finding is appropriate only if a store sells a substantial variety of staple food items and its disqualification would create a hardship to SNAP households because there is no other authorized retail food store in the area selling as large a variety of staple food items at comparable prices. Contrary

to Appellant's claims of there being low numbers of large SNAP retailers within a mile, FNS records show there are at least 11 other larger or comparably sized SNAP retailers located within a 0.76 mile radius of Appellant's location that includes five super stores, two medium grocery stores, and four small grocery stores. The two nearest super stores are both located approximately one block from Appellant's location while the nearest medium grocery store is approximately two blocks away. There are also many larger stores located slightly further away. Appellant's claims that the other SNAP retailers in the area are either priced higher or have less food are baseless and would hardly apply to the five super stores, two of which are located one block from Appellant's location.

The nearby stores appear readily accessible to SNAP recipients and offer a variety of staple foods comparable to, or better than, those offered by Appellant. It is acknowledged that some level of inconvenience to SNAP users is inherent in the disqualification from SNAP of any participating food store as the normal shopping pattern of such SNAP benefit holders may be altered. Inconvenience, however, does not rise to the level of hardship required by the regulations.

CONCLUSION

A review of the evidence in this case supports that the program violations at issue did occur as charged. As noted previously, the charges of violations are based on the findings of a formal USDA investigation. All transactions cited in the letter of charges were conducted by a USDA investigator and signed under penalty of perjury. A review of this documentation has yielded no indication of error or discrepancy in any of the reported findings. Rather, the investigative record is specific and accurate with regard to the dates of the violations, the specific ineligible merchandise sold in exchange for SNAP benefits, and in all other critically pertinent detail. Accordingly, the determination by the Office of Retailer Operations and Compliance to impose a disqualification of six months against the Appellant firm from participating as an authorized retailer in SNAP is sustained. Furthermore, the Office of Retailer Operations and Compliance properly determined that Appellant was not eligible for a hardship CMP according to the terms of Section 278.6(f)(1) of the SNAP regulations as there are other authorized retail stores in the area selling as large a variety of staple foods at comparable prices.

In accordance with the Food and Nutrition Act, and the regulations thereunder, this penalty shall become effective thirty (30) days after receipt of this decision. A new application for SNAP participation may be submitted ten (10) days prior to the expiration of the six month disqualification period. When eligible, Appellant may reapply for SNAP authorization using the application instructions contained on the FNS web site. Questions regarding the application process can be answered by the FNS Retailer Service Center at 877-823-4369.

RIGHTS AND REMEDIES

Applicable rights to a judicial review of this decision are set forth in 7 U.S.C. § 2023 and 7 CFR § 279.7. If a judicial review is desired, the complaint must be filed in the U.S. District Court for the district in which Appellant's owner resides, is engaged in business, or in any court of record of the State having competent jurisdiction. This complaint, naming the United States as the defendant, 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.

ROBERT T. DEEGAN

May 2, 2022

ADMINISTRATIVE REVIEW OFFICER