

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

**K & Ks St. Elmo Market,
Appellant,**

v.

**Retailer Operations Division,
Respondent.**

Case Number: C0245385

FINAL AGENCY DECISION

It is the decision of the USDA that the record indicates that K & Ks St. Elmo Market (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 K & Ks St. Elmo Market by letter dated November 17, 2021

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 May 5, 2021, 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 December 2020 through March 2021. The letter specifies that the penalty for trafficking is permanent disqualification as provided by 7 CFR § 278.6(e)(1). The letter also states 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 May 10, 2021, Appellant, through counsel, and generally stated that Appellant is a supporter of the SNAP program and appreciates the necessity of the SNAP program to ensuring that millions of low-income residents, and especially children, have a daily means of obtaining healthy and nutritious food and beverages for themselves and their families. Appellant stated that it intends to cooperate fully with the USDA as it continues to evaluate the charges and the evidence supplied by the law firm on K & Ks St Elmo behalf. Counsel requested all documentation related to the case. Counsel stated that the included transactions report in Attachments 1-3 do not make it clear that the owners or employees ever once exchanged benefits for cash. The data fails to tell the store of the extreme winter storms that took place in Memphis resulting in a state of emergency and many residents were forced to travel by foot to the nearest food store for water and supplies. Counsel indicated that many of the transactions outlined in Attachment 1 should be eliminated because they occurred during the Polar Vortex and winter storms during the period February 5, 2021, through February 25, 2021. Appellant through counsel, also indicated that the store sells Top Notch Pizza which when purchased in counts of four or five add up to the \$39.99- and \$49.99-dollar values. Counsel further stated that eight of the sets outlined in Attachment 2 occurred during the Polar Vortex and therefore should not be considered suspicious. Appellant, through counsel, stated that it is not uncommon for two or more family members to shop at the same time, check out at different registers and then both pay with the same card. Sometimes a member will leave and another one will come back later with the same card. Therefore, there is nothing unusual or suspicious about the transaction sets in Attachment 2. Counsel explained that the Attachment 3 transactions were as a result of customer concerns that if they did not use their P-EBT benefits right away that they would lose them.

In correspondence dated May 18, 2021, Appellant, through counsel, was informed that the request for an extension of time in which to provide an additional response to the charge letter was extended to May 28, 2021. Appellant was also informed that the time to request a civil money penalty in lieu of permanent disqualification and to provide the documentation to support such a request has not been extended. The record does not reflect that any additional responses were provided by Appellant or counsel.

After giving consideration to the Appellant's reply and evidence of the case, Retailer Operations Division issued a determination letter dated November 17, 2021. 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 December 17, 2021, Appellant, through counsel, 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...**” (*Emphasis added*)

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 December 2020 through March 2021. This involved the following transaction patterns which are trafficking indicators:

1. There were a large number of transactions in repeated dollar values.
2. Multiple transactions were made from the accounts of individual SNAP households within a set time period.
3. Your store conducted EBT transactions that are large based on the observed store characteristics and recorded food stock.

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, through counsel, made the following summarized contentions, in relevant part:

1. The charge letter and the permanent disqualification determination were not based upon any direct evidence that trafficking took place at the store. Rather they were founded upon circumstantial evidence from FNS's Anti-Fraud Locator using EBT Retailer Transactions (ALERT) System.
2. K&K's St. Elmo Market sells a wide array of eligible food items, including numerous relatively expensive ones. (a list of items were provided demonstrating single and group pricing). Purchasing only one or two such items will result in the transaction exceeding the average SNAP redemption at SNAP-authorized convenience stores in Tennessee.
3. In Attachment 1 - Only four sets appear to have repeated dollar values. The small number of transactions that have repeated collar values are easily explainable based on the items sold at the store.
4. In Attachment 2 – Most of them took place hours apart or on different days. There is no study, report, or other basis for FNS's belief that redeeming \$75.29 or more in SNAP benefits within 24 hours or \$205.52 between 24 and 36 hours was suspicious or evidence of trafficking especially when a SNAP-authorized retailer is the only one in the vicinity and when it carries a substantial array of eligible food products. On occasion, store clerks would total the customer's items on different registers at the same time and then process the EBT transactions in quick succession.
5. In Attachment 3 – The volume of goods sold by K&K's St. Elmo Market and purchase invoices, as well as the store's location in an extreme food desert, strongly supports the propriety and legitimacy of these transactions.
6. Attachments 1 through 3 revealed little other than many SNAP beneficiaries exercised their right to redeem their SNAP benefits in varying amounts and at different times at K&K's St. Elmo Market.

7. K&K's St. Elmo Market submits that its purchase invoices for eligible food items during the Review Period strongly supports dismissal of the trafficking charges.

Appellant, through counsel, submitted copies of Merchant Deposit Statements for the review period, the Sales and Use Tax Returns for the review period, SNAP transaction report for another retailer, invoices dated outside of the review period only containing beverage purchases for the review period, a general RAP-Customer report, American Pizza LLC Sales by Customer Summary report covering the review period, a copy of the SNAP Retailer Locator map, and a signed Declaration from the owner.

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 convenience store on November 13, 2006. The file indicates that in reaching a disqualification determination, Retailer Operations Division considered information obtained during an April 1, 2021, 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. Two cash registers and one POS device with a small counter area partially obstructed by other smaller items available for sale.
2. Estimated to be approximately 1024 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 does operate 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 stored in an area outside of public view that is approximately 280 square feet in size. The items consisted of non-foods, non-staple foods, and food for hot prepared menu items.
9. Store has storage freezers and/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 Deli Turkey (\$6.99), Deli Sous (\$5.99), Deli Cheese (\$6.99), Folgers Coffee (\$7.99 (6)), Sodas (\$15.99 (8)), Red Bull (\$27.48 (3)).

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, 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. No fresh fruits or produce, no fresh meat or poultry. Most meats are canned, packaged, or frozen.
15. A kitchen/prepared food area with hot foods sold for onsite consumption.
16. A deli or prepared food section. Stock is also used in preparation of food.
17. No meat or seafood specials or bundles or fruit/vegetable boxes sold.
18. Some empty or sparsely stocked shelves.
19. Appellant was deficient in the dairy product category missing two stocking units and may not have been eligible to maintain its SNAP authorization during the review period.

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 – There were a large number of transactions in repeated dollar values.

This attachment lists 17 sets of transactions, 62 total, that resulted in repeated dollar values. When such repetitive patterns are unsupported by special pricing structures, store stock and/or characteristics they are a strong indicators of trafficking in SNAP benefits.

During the review period, Appellant conducted 5,346 EBT transactions. Of these, there were 214 transactions in the amount of \$30.00 or more; a total of 62 transactions resulted in repeated dollar values of \$35.xx, \$37.xx, \$39.xx, \$45.xx, \$46.xx, \$47.xx, \$48.xx, \$49.xx, \$50.xx, \$52.xx, \$53.xx, \$65.xx, \$70.xx, \$100.xx. The contractor store visit did not provide evidence that, Appellant offers package items that would consistently result in the same repeated dollar values by random customers. As such, it is implausible that 62 transactions resulted in the same 14-dollar values by different customers. The record reflects that the occurrence of these repeated transactions are greater than the expected average transaction frequency for the dollar amounts for this store type. Therefore, in the absence of any compelling rationale to the contrary, it appears that these transaction amounts are contrived and are indicative of trafficking.

It is inconceivable that random customers would visit Appellant's store and purchase four to five frozen pizzas on a consistent basis accounting for the unusual transaction amounts in this Attachment. The store visit report and photographs do not show evidence that Appellant carried stock that would corroborate the SNAP transaction pattern as indicated in the Charge Letter.

Based on the analysis above, it appears that the transactions cited in 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 the accounts of individual SNAP households within a set time period.

There were 21 sets of 49 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.

The record reflects that there appeared to be a pattern of multiple high dollar transactions in a short period of time for the same household however, it remains unclear as to what it is that the households were actually purchasing that would result in the multiple transactions and multiple high dollar transactions that occurred within a set time. The contentions presented for the SNAP transactions in this Attachment are speculative at best as there were no register receipts or substantial evidence to support that the Attachment 2 transactions were as a result of the purchase of SNAP-Eligible foods only.

Although the storms that were occurring during a portion of the review period may have had some effect on the shopping patterns of SNAP recipients, it doesn't appear that all the SNAP transactions, as cited in the charge letter, were as a result of weather conditions. The record reflects that SNAP recipients also shopped at other nearby SNAP authorized retailers to include supermarkets and super stores. Appellant did not provide any documentation as evidence that additional stock was purchased to accommodate the alleged increased shopping patterns of SNAP recipients or that it had enough stock to maintain its SNAP authorization during the review period. It is implausible that SNAP recipients would make large SNAP purchases at Appellant's store that contained limited SNAP eligible stock when the store visit documentation does not corroborate that Appellant had stock available to support such large purchases. Appellant's stock consisted mainly of inexpensive single serve food items and accessory foods. Additionally, Appellant's hot foods also comes from its available staple food stock offered to customers in an uncooked state.

Additionally, it is implausible that a clerk would take a customer's order, containing several items, and use both registers to process one order resulting in two EBT transactions in quick succession. Additionally, Appellant, through counsel, contends that customers purchased substantial amounts of energy drinks, soda and other relatively high-dollar value SNAP-eligible items during the review period.

In the absence of adequate proof of the store's stock or any other evidence to support that it was stocking the store with a substantial number of products to support their alleged increased transaction activity, it is the decision of this review that the SNAP transactions as cited in the Charge letter are more likely than not the result of trafficking.

Attachment 3 of the Charge letter - Your store conducted EBT transactions that are large based on the observed store characteristics and recorded food stock.

There were 159 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 relatively inexpensive 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. Regarding Appellant's contentions of the storm even causing increased SNAP activity, it is important to note that although the storm event might help to explain some transactions, ultimately the retailer must prove that they had sufficient stock to sell on any given day at any given time. The Appellant also could have provided detailed invoices for the period in which the storm took place as evidence that it maintained substantial stock to account for the SNAP transaction activity. It is also important to point out that the record indicates that households shopped at other stores during the storm event to include supermarkets and super stores. Therefore, it does not appear that the storm stopped the regular shopping habits of some of the customers. Based on the store visit documentation and photographs, it is implausible that that SNAP recipients would expend large amounts of SNAP benefits at Appellant's store for relatively inexpensive snack items and/or hot food items. It does not make sense that SNAP recipients would purchase large amounts of frozen pizzas or baby formula when they had access to other large supermarkets and superstores with superior stock at better pricing. Additionally, WIC recipients receive vouchers to purchase baby formula so using their SNAP benefits to purchase this item or to purchase this item in large amounts is inconceivable. Appellant failed to demonstrate why SNAP recipients would use their SNAP benefits in large amounts in its store. In fact, the store visit documentation indicates that Appellant was deficient in the dairy staple food category and may not have been eligible to maintain its SNAP authorization. Additionally, the store stock and characteristics appeared to be lacking and unable to support many of the transactions cited in the charge letter.

Appellant also has a small deli that sells meat and cheese by the pound but where they also sell hot foods and made to order sandwiches. Appellant's inventory that is used for hot foods is the same inventory that customers must pick from when doing their shopping which is limited to one single freezer and appears inadequate to support the customers who would purchase the items frozen and the customers who would purchase it as a hot food meal. Without the support to itemized register receipts it is impossible to claim that all transactions in Attachment 3 are as a result of the purchase of SNAP-eligible foods only.

In the absence of adequate proof of the store's stock or any other evidence to support that it was stocking the store with a substantial number of products to support their increased transaction activity, it is the decision of this review that the SNAP transactions as cited in the Charge letter or more likely than not the result of trafficking. Gross receipts for items sold do not inevitably provide substantial evidence of actual staple food purchases as it will depend on how the retailer processes the transactions. As gross receipts are not broken down as itemized receipts, they can also include amounts sold for non-foods as well as trafficking transactions.

Retailer Operations also conducted an analysis of the shopping habits of three of the households identified in the charge letter. This analysis concluded that these households also shopped at other area grocery stores including full-line supermarkets and superstores that offer a much larger quantity and variety of eligible food items for likely better prices either on the same day or within days of visiting Appellant's firm. This again indicates that lack of access to other stores is not at issue and the weather condition was not a factor in households reaching and shopping at

other larger SNAP authorized retailers. However, 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 Shelby County area of Tennessee. This is another strong trafficking indicator.

Regarding Appellant's contentions, through counsel, it is important to note that the purpose of this review is not to analyze and make determinations on the Food and Nutrition Act, SNAP regulations, policy, or rulemaking with regard to the implementation and assessment of the SNAP program. As previously stated, the standard of the review in appeals of adverse actions, specifies that the Appellant bears the burden of proving by a preponderance of the evidence, that the administrative actions should be reversed by providing relevant evidence which a reasonable mind, considering the record, would accept as sufficient to support a conclusion that the matter asserted is more likely to be true than not true.

Based on the above analysis, the Retailer Operations presented a convincing case that the K & Ks St. Elmo Market 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.

The extensive analysis of Appellant's EBT transaction record, upon which charges of violations are based, provides substantial evidence that questioned transactions during the focus period have characteristics that are not consistent with legitimate sales of eligible food to EBT customers at a store of this type and size. Rather, the characteristics are indicative of illegal trafficking in program benefits. In addition to the raw data of suspicious transactions, the file also notes that Appellant has no shopping carts or shopping baskets available for customers to carry the many items no doubt necessary for questioned transactions as large as listed. In addition, there is very limited counter space, and insufficient stock to explain as legitimate the program redemptions. A review of the record has yielded no indication of error or discrepancy in the reported findings by Retailer Operations Division that program benefits were accepted in exchange for cash or consideration other than eligible food. Therefore, based on a review of the evidence in this case, it appears the Retailer Operations has provided substantial evidence of trafficking violations, in the three patterns of EBT transaction characteristics indicated in the letter of charges, and that it is more likely true than not that program violations did, in fact, occur as charged.

CFR § 278.6(a), which establishes the authority upon which FNS may disqualify any authorized retail food store, reads, in 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." Therefore, that the Retailer Operations used computer printouts of transaction data and other reports, in addition to store visit observations and an analysis of household shopping behavior, in rendering a finding that violations indicative of trafficking are occurring, is as valid a means of establishing facts as direct evidence obtained through an on-site investigation and the eye witnessing of trafficking

Summary

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 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 convenience stores in the State.

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. Appellant, through counsel, has not provided sufficient evidence to rebut the convincing 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 May 5, 2021. 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's 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's analysis of Appellant's EBT transaction record was the primary basis for its determination to permanently disqualify K & Ks St. Elmo Market. 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 K & Ks St. Elmo Market 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

June 28, 2022