

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

**Moon Mini Market LLC,**

**Appellant,**

**v.**

**Retailer Operations Division,**

**Respondent.**

**Case Number: C0249314**

**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 permanent disqualification of Moon Mini Market LLC (hereinafter “Appellant”) from participation as an authorized retailer in the Supplemental Nutrition Assistance Program (SNAP) as imposed by FNS’s Retailer Operations Division.

**ISSUE**

The issue accepted for review is whether the Retailer Operations Division, in its administration of SNAP, took appropriate action, consistent with Title 7 Code of Federal Regulations (CFR) Part 278, when it imposed a permanent disqualification against Moon Mini Market LLC.

**AUTHORITY**

7 U.S.C. § 2023 and its 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.”

**SUMMARY OF CHARGES**

The Appellant was charged with trafficking and subsequently permanently disqualified from SNAP based on an analysis of EBT transaction data from January 2021 through June 2021. This involved the following transaction patterns which are common trafficking indicators:

- Multiple transactions were made from one or more households within a short timeframe.
- There were multiple transactions made from individual household accounts within a set time period.

- The store conducted EBT transactions that were large based on observed store characteristics and recorded food stock.

## CASE CHRONOLOGY

The agency's record shows that FNS initially authorized Moon Mini Market LLC for SNAP participation as a convenience store on June 9, 2010. In a letter dated November 22, 2021, the 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 between the months of January 2021 and June 2021. The letter noted that the penalty for trafficking is permanent disqualification as provided by 7 CFR § 278.6(e)(1). The letter also stated that the Appellant could request a civil money penalty (CMP) in lieu of permanent disqualification for trafficking, but noted that such a request must be made and supporting documentation submitted within 10 days of receipt of the charge letter under the conditions specified in 7 CFR § 278.6(i).

In correspondence between December 3 and 7, 2021, the Appellant replied to the charge letter, denying that trafficking occurred and stating that the transactions in question were the result of the store trying to help those in need. According to the Appellant, during the coronavirus pandemic, the store's customers requested grocery delivery. As such, the store would order inventory from a large wholesale store and then deliver "huge orders" to customers' houses. These orders included 100-pound bags of rice, 35-pound containers of cooking oil, 50-pound bags of onions, and sandwiches, with totals often exceeding \$100.00. The Appellant stated that customers would purchase enough groceries to last them weeks or months. The Appellant added that it did not know there were limitations on SNAP transactions and stated that it tried to respect and follow the rules to the best of its abilities.

In support of its replies, the Appellant provided copies of apparent delivery receipts (two or three receipts in total), though it is unclear what the receipts represent, as there are no transaction totals, and the receipts appear to be dated several months after the end of the review period. The Appellant also submitted two letters of support from customers, both of whom stated that they made large purchases at the store, including multiple transactions. The Appellant also submitted a "Certificate of Special Congressional Recognition," given to the store owner "in recognition of outstanding and invaluable service to the community," signed by New York Congresswoman Yvette D. Clarke on August 28, 2016.

It is noted that the Appellant did not request consideration of a trafficking CMP in lieu of disqualification, nor did it submit any evidence to demonstrate that it would be eligible for this alternative penalty.

After evaluating the Appellant's response and further considering the evidence in the case, the Retailer Operations Division concluded that trafficking had occurred as charged and issued a determination letter dated January 19, 2022. This letter informed the Appellant that it would be permanently disqualified from SNAP upon receipt of the letter in accordance with 7 CFR § 278.6(c) and § 278.6(e)(1). The letter also stated that the Retailer Operations Division considered the Appellant's eligibility for a trafficking CMP according to the terms of Section

278.6(i) of the SNAP regulations, but that a CMP was not appropriate because the Appellant failed to submit sufficient evidence to demonstrate that the firm had established and implemented an effective compliance policy and program to prevent SNAP violations.

In an e-mail dated February 2, 2022, the Appellant appealed the Retailer Operations Division's determination by requesting an administrative review. The request was granted.

### STANDARD OF REVIEW

In an appeal of adverse action, such as disqualification from SNAP participation, an appellant bears the burden of proving by a preponderance of the evidence that the administrative action should be reversed. This means that 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 AND REGULATIONS

The controlling law in this matter is found in the Food and Nutrition Act of 2008, as amended (7 U.S.C. § 2021), and promulgated through regulation under Title 7 CFR Part 278. In particular, 7 CFR § 278.6(a) and (e)(1)(i) establish the authority upon which a permanent disqualification may be imposed against a retail food store or wholesale food concern.

7 U.S.C. § 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 § 278.6(a) states, in part:

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, [or] evidence obtained through a transaction report under an electronic benefit transfer system....** [Emphasis added.]

7 CFR § 278.6(e)(1)(i) states:

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

7 CFR § 271.2 states, in part:

Trafficking means: 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 § 271.2 states, in part:

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 § 278.6(b)(1) states, in part:

Any firm considered for disqualification...under paragraph (a) of this section...shall have full opportunity to submit to FNS information, explanation, or evidence concerning any instances of noncompliance before FNS makes a final administrative determination. The FNS regional office shall send the firm a letter of charges before making such determination. The letter shall specify the violations or actions which FNS believes constitute a basis for disqualification.... The letter shall inform the firm that it may respond either orally or in writing to the charges contained in the letter within 10 days of receiving the letter...

7 CFR § 278.6(c) states, in part:

The letter of charges, the response, and any other information available to FNS shall be reviewed and considered by the appropriate FNS regional office, which shall then issue the determination. In the case of a firm subject to permanent disqualification under paragraph (e)(1) of this section, the determination shall inform such a firm that action to permanently disqualify the firm shall be effective immediately upon the date of receipt of the notice of determination from FNS, regardless of whether a request for review is filed in accordance with part 279 of this chapter.

7 CFR § 278.6(b)(2)(ii) states, in part:

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(b)(2)(iii) states:

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.

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...

### **APPELLANT'S CONTENTIONS**

The Appellant made the following contentions in its request for administrative review, summarized by the review officer for purposes of brevity and relevance:

- The firm's account was suspended due to allegations that its SNAP transactions were larger than normal.
- These transactions were the result of the COVID-19 pandemic. During that time, families would have large shopping sprees because everyone was working from home and kids were doing school virtually. The store owner was regularly buying and selling large quantities of produce from wholesale stores to deliver to the firm's regular customers, including 100-pound bags of rice, 35-liter jugs of oil, and 50-pound bags of onions.
- The manager who was running the store at that time is no longer employed by the firm. The firm has hired a professional manager with five years of experience who is very familiar with EBT rules and regulations. Part of his job is to enforce compliance with SNAP.
- A large percentage of the firm's customers are low-income families that rely on EBT for their day-to-day grocery needs. The store's employees speak English, Spanish, and Bengali, which is a convenience to its older customers.
- It would be a grave loss to members of the community if they were no longer able to purchase their groceries from Moon Mini Market LLC, as the firm assists them in their needs and carries the brands they trust.
- If given another chance, the Appellant assures USDA that it will be in full compliance with the rules and regulations.
- The removal of SNAP would also negatively impact the business and would likely force it to close. It would also impact the owner personally. The owner has two children in college who rely on his income to pay their tuition.

In support of its contentions, the Appellant submitted an affidavit from its new store manager attesting to SNAP compliance since the time of his hiring a “couple of months” ago. The affidavit is dated February 3, 2022. The Appellant also submitted an additional letter of support from a store customer. In this letter, the customer states that Moon Mini Market LLC has been a lifeline to her and her children, who spend both SNAP and WIC benefits at the store. The Appellant also submitted a copy of an e-mail, dated April 20, 2022, indicating an outstanding tuition balance at the University of Albany.

The preceding may represent only a brief summary of the Appellant’s contentions presented in this matter. However, in reaching a decision, full attention was given to all evidence and contentions submitted, including any not specifically summarized or explicitly referenced herein.

## **ANALYSIS AND FINDINGS**

This review has thoroughly examined the documentation and information related to Moon Mini Market LLC as provided by the Retailer Operations Division and has found it to be compelling and indicative of trafficking. This documentation includes a compilation of SNAP transaction data as well as an analysis of other factors, such as observations from a store inspection, shopping patterns of the Appellant’s customers, and comparisons with similar stores in the area. Based on this data, this review finds that FNS has adequately presented a likely case of trafficking. Therefore, the remainder of this review will analyze whether the Appellant has proven by a preponderance of the evidence that the agency’s conclusions were erroneous and that trafficking likely did not occur.

### **Contractor Store Inspection**

The case file indicates that in reaching a disqualification determination, the Retailer Operations Division considered information gathered from an April 3, 2021 store inspection which was conducted by an FNS contractor to observe the nature and scope of the firm’s operation, stock, and facilities. The purpose of the store inspection was to determine if there were justifiable explanations for the firm’s irregular SNAP transaction patterns. The store visit report and photographs documented the following store size, description, and characteristics:

- Moon Mini Market LLC is a small corner convenience store, roughly 1,225 square feet in size, operating in the city of Brooklyn, New York.
- At the time of the inspector’s visit, the firm had no shopping carts or handheld shopping baskets, which is not unusual for this type of store. Customers shopping in such stores generally purchase no more than they can carry in their arms.
- The store visit photographs showed one cash register and agency records reflected the use of one EBT point-of-sale terminal for SNAP purchases. The report indicated that the store did not use an optical scanning device at checkout.
- The store’s staple food stock was sufficient for ongoing program authorization. The volume of food was typical of a convenience store, and there was enough variety and depth of stock to meet minimum program requirements in each of the four staple food categories.

- The store also sold a large amount of non-staple accessory food, such as carbonated and uncarbonated drinks, snacks, candy, and condiments. The store also sold ineligible nonfood items, including lottery tickets, alcoholic beverages, tobacco products, cleaning supplies, and other miscellaneous household merchandise.
- The store had a commercial kitchen and deli, where freshly-made sandwiches were prepared, and meat and cheese were sold by the pound.
- The checkout area was typical of a convenience store. The countertop area next to the cash register was very small and was not suitable for conducting large or rapid transactions as there was little space to place more than a few small items on the counter at a time.
- There was no indication from the store visit report that the firm had a special pricing structure. According to the report, most prices ended with a cents value of 9, which is typical of retail stores.
- There was no indication from the report that the firm had unique or special food packages for sale or that items were sold in bulk. The report also indicated that the store did not offer or make deliveries of food to customer's homes and did not round transaction totals up or down at checkout.
- According to the report, the most expensive food item available in the store was a 20-pound bag of rice, which sold for \$23.99. Other fairly expensive items included sliced meats and cheeses for \$5.99 to \$10.99 per pound; a 7-ounce jar of Nescafé coffee for \$8.49, a 24-ounce box of Kellogg's cereal for \$6.99; and a 40-ounce container of Mazola cooking oil for \$5.99. Most SNAP-eligible items appeared to sell for \$5.00 or less.

The available inventory of SNAP-eligible food at the time of the inspection was typical of a convenience store, where households normally purchase a limited number of items to supplement their overall dietary needs. There was no indication that SNAP households would be inclined to regularly visit Moon Mini Market LLC to purchase large quantities of groceries, especially considering the limited overall staple food inventory, the constricted checkout counter, the absence of shopping carts and baskets, and the availability of much larger grocery stores in the area, including nearly 20 supermarkets and superstores within a one-mile radius of the Appellant store. Given the available inventory and the store's characteristics, this review could find no reason why the Appellant firm's SNAP redemption patterns differed so significantly from those of its competitors.

### **SNAP Transaction Analysis**

**Charge Letter Attachment 1: Multiple transactions were made from one or more households within a short timeframe.** This attachment lists 45 sets of transactions (90 transactions in all) totaling \$4,608.14 in SNAP benefits.

Considering that this store has a very small checkout area, just one cash register, one EBT point-of-sale device, no optical scanner, and no conveyor belt, and considering the number of items that it would typically take to add up to the dollar amounts found in this attachment, it is unlikely that legitimate transactions could have occurred in such short periods of time.

For example, 5 U.S.C. § 552 (b)(6) & (b)(7)(C).

Considering how long it takes for a typical clerk to process a transaction without an optical scanner or conveyor belt, it seems highly unlikely that such large transactions could have legitimately occurred so soon after another transaction.

In short, it does not seem to be logistically possible for the households in Attachment 1 and the store's cashier to have conducted the following action steps in the limited timeframes listed:

- Transport a large number of food items by hand to the checkout area without the benefit of a shopping cart or basket;
- Place each item on the very limited counter space for processing;
- Separate food items from nonfood items;
- Manually enter the price of each item into the cash register;
- Bag the merchandise and move it off the counter space area; and
- Process the sale on the EBT point-of-sale terminal mere seconds after the completion of a previous transaction.

It should be noted that the Appellant provided no evidence to verify that the transactions in Attachment 1 were legitimate purchases of eligible food. Such evidence might have included itemized cash register receipts to prove what transpired at the point of sale. Without such evidence and because the transaction patterns in Attachment 1 are so unusual in comparison to other stores in the area, it is reasonable to conclude that the transactions were likely due to trafficking.

**Charge Letter Attachment 2: Multiple transactions were made from the accounts of individual households within a set time period.** This attachment lists 45 sets of transactions (107 transactions in all) totaling \$10,647.46 in SNAP benefits, averaging \$99.51 per transaction, or \$236.61 per set of transactions. Unexpected and abnormally repetitive transactions over short periods of time at rates substantially greater than nearby comparable stores can be an indication that trafficking violations are occurring.

For example, 5 U.S.C. § 552 (b)(6) & (b)(7)(C).

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It is difficult to comprehend why any household would repeatedly choose to spend such large amounts of SNAP benefits in a convenience store with no shopping carts or baskets and limited overall inventory, when one or two trips to a nearby supermarket likely could have sufficed.

The Appellant has argued that its transaction patterns were the result of the COVID-19 pandemic, during which time customers made large purchases that were delivered by the Appellant to customers' homes. Unfortunately, grocery delivery does not explain why customers repeatedly conducted multiple transactions in rapid succession, often very large purchases mere seconds apart.



Further, the Appellant's contentions do not clarify why Moon Mini Market LLC's transaction patterns are substantially different from nearby comparison stores. It stands to reason that if the COVID-19 pandemic caused local residents to change their shopping behavior at one store, nearby stores would also be affected. But of the comparable stores in the vicinity, the agency's record shows that only Moon Mini Market LLC had such unusual transaction patterns.

It should be noted that the Appellant has offered no actual evidence that the transactions in question were legitimate purchases of eligible food or that delivery of groceries was prevalent during the review period. The Appellant also failed to submit any evidence that it made large inventory purchases, such as 100-pound bags of rice, 35 gallons of cooking oil, or 50 pounds of onions. None of these quantities was found in the store at the time of the store inspection.

As for the customer statements submitted by the Appellant, this review finds these to be of little evidentiary value, as the veracity of such statements cannot be verified. No documentation has been submitted to support any the claims made by the attestants. Anecdotal explanations without supporting documentation do little to convince this review that the transactions in question were legitimate.

**Charge Letter Attachment 3: The store conducted EBT transactions that were large based on observed store characteristics and recorded food stock.** This attachment lists 163 SNAP transactions totaling \$14,954.47, for an average transaction amount of \$91.74. These large transactions are not consistent with a convenience store in the state of New York. The Retailer Operations Division has determined that during the review period, the average SNAP transaction amount for a convenience store in New York was \$11.17. In Kings County, the average was a bit higher, at \$12.68 per transaction. However, the average transaction in Attachment 3 is more than seven times larger than the average purchase amount for this store type.

Given that the Appellant firm did stock a moderate supply of staple foods as well as other SNAP-eligible items, including snacks and drinks, and considering that the COVID-19 pandemic altered shopping behavior to some degree, it is likely that there would have been an occasional instance where the transaction amounts at Moon Mini Market LLC were high, perhaps exceeding \$60.00 or \$70.00. As such, there may be some legitimate SNAP transactions sprinkled among the transactions listed in Attachment 3. However, as noted earlier, there is no evidence that the firm would be likely to have SNAP redemption patterns that differ significantly from nearby, similar-sized competitors. The substantial number of high-dollar transactions in a six-month period calls into question the legitimacy of these transactions.

Attachment 3 lists 12 transactions for \$150.00 or more during the review period, including a high of 5 U.S.C. § 552 (b)(6) & (b)(7)(C). An additional 56 transactions were between \$100.00 and \$149.99. Considering how many food items it would typically take to add up to \$100.00 or more, and considering that this convenience store lacks unique food inventory, has limited overall staple foods, has a constricted checkout area, and contains no shopping carts or baskets to help a customer transport large amounts of food, this review finds it difficult to believe that every large transaction in Attachment 3 was a legitimate purchase of eligible food.

Not only did the firm have a peculiar number of large transactions, Attachment 3 also demonstrated some odd patterns within those transactions. For instance, 5 U.S.C. § 552 (b)(6) & (b)(7)(C). As noted earlier, the inspection report noted that most prices in the store ended with a cents-value of 9, and indicated that cashiers did not round transaction totals up or down at checkout. Based on this information, transactions such as these are highly suspicious and indicative of trafficking, and the Appellant has offered no clear explanation and no evidence to show that the transactions were legitimate.

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Except for the rule that SNAP benefits are to be used only for the purchase of eligible food, the regulations do not govern or mandate how a SNAP household should spend its benefit allotment, including how many times a household may use its EBT card at a particular location or how large an individual transaction can be. However, the transactions noted in the charge letter are not questionable because they exceed any limits for use, but because they display patterns of use that are inconsistent with the store's documented physical characteristics and food inventory. It should be further noted that the transactions identified in the charge letter are not marginally abnormal, but decidedly so, especially in comparison with other nearby SNAP-authorized stores with similar characteristics. This review does not contend that repetitive or large EBT transactions are overtly suspicious when they occur on an occasional or intermittent basis, but when such transactions form questionable patterns on a consistent basis over a substantial period of time, such activity is considered highly irregular, and a firm's intent to comply with program regulations is called into question.

In an appeal of adverse action, the onus is on the Appellant to prove, by a preponderance of the evidence, that the administrative action should be reversed. This means submitting sufficient and compelling evidence that would lead a reviewer to conclude that trafficking likely did not occur. In this case, the Appellant's evidence does not meet this standard.

### **Remedial Actions Taken**

The Appellant contends that the manager who was running the store during the review period is no longer employed by the firm. According to the Appellant, the firm has hired a professional manager who is very familiar with EBT rules and regulations. The Appellant assures USDA that if given another chance to remain authorized, it will be in full compliance with the rules and regulations.

With regard to these contentions, it must be made clear that this review is limited to the facts that existed at the time the violations were committed. This review has no authority to consider any subsequent remedial actions, such as hiring a new store manager, that may have been taken or that will take place so that a store may enhance or begin to comply with program requirements. In addition, there are no provisions in the SNAP regulations for a waiver or reduction of an administrative penalty on the basis of alleged or planned corrective actions implemented after the discovery of program violations.

### **Hardship to Appellant and SNAP Recipients**

The Appellant contends that a large percentage of the firm's customers are low-income families that rely on EBT for their day-to-day grocery needs and argues that it would be a grave loss to members of the community if they were no longer able to purchase their groceries from Moon Mini Market LLC. Similarly, the Appellant contends that a disqualification from SNAP would also negatively impact the business and likely force it to close. It would also impact the owner personally, as he has two children in college who rely on his income to pay their tuition.

As to potential hardship that may be experienced by community members, it is recognized that some degree of inconvenience to SNAP households is likely whenever a SNAP-authorized store is disqualified and a household is forced to use its benefits elsewhere. Regulations at 7 CFR § 278.6(f) do allow, in limited circumstances, for a civil money penalty to be imposed in lieu of disqualification when there is an absence of other SNAP-authorized retailers in the area. However, the regulations are clear that a CMP for hardship to SNAP households may not be imposed in lieu of permanent disqualification for trafficking; neither do the regulations allow for a reduction of a disqualification period on the basis of hardship to SNAP households.

As for the assertion that a disqualification would hurt the business and negatively impact the owner and his family, Federal statute at 7 U.S.C. § 2021(b)(3)(B) makes it clear that disqualification for trafficking shall be permanent. It is recognized that some degree of economic hardship is a likely consequence whenever a store is disqualified from participation in SNAP. However, there is no provision in the SNAP regulations for waiver or reduction of an administrative penalty on the basis of possible economic hardship to either the ownership personally or to the firm resulting from the imposition of such a penalty.

### **Trafficking Civil Money Penalty**

The Retailer Operations Division determined that the Appellant was not eligible for a civil money penalty in lieu of permanent disqualification for trafficking because it did not submit sufficient evidence to demonstrate that it had established and implemented an effective compliance policy and program to prevent SNAP violations.

In accordance with regulations at 7 CFR § 278.6(b)(2), in order for a CMP to be considered, a firm must not only notify FNS that it desires the agency to consider a trafficking CMP in lieu of permanent disqualification, but it must also submit appropriate supporting documentation within 10 days of receipt of the charge letter. The case record shows that the Appellant did not request a CMP, and there is no evidence that the Appellant submitted any documentation that would indicate that the firm had a compliance policy or program of any kind.

Therefore, in accordance with 7 CFR § 278.6(b)(2)(iii) and § 278.6(i), a civil money penalty in lieu of permanent disqualification for trafficking is not an option in this case.

## **CONCLUSION**

An analysis of the Appellant's EBT transaction record was the primary basis for the decision by the Retailer Operations Division to permanently disqualify Moon Mini Market LLC from SNAP participation. This data provided sufficient evidence for this review to conclude that the questionable transactions and patterns listed in the charge letter were more likely than not the result of trafficking violations committed by the Appellant. Likewise, the Appellant has not proven, by a preponderance of the evidence, that the administrative action should be reversed.

Based on a review of all available information in this case, the decision to impose a permanent disqualification against the Appellant, Moon Mini Market LLC, under the ownership of Mir Kasham, is sustained.

## **RIGHTS AND REMEDIES**

Applicable rights to a judicial review of this decision are set forth in Section 14 of the Food and Nutrition Act of 2008 (7 U.S.C. § 2023) and in Section 279.7 of the SNAP regulations. 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 owner resides or is engaged in business, or in any court of record of the State having competent jurisdiction. If a complaint is filed, it must be filed within 30 days of receipt of this decision. The judicial filing timeframe is mandated by the Act, and this office cannot grant an extension.

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.

JON YORGASON  
Administrative Review Officer

June 28, 2022