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

Sally Gourmet Deli Corp,

Appellant,

v.

Retailer Operations Division,

Respondent.

Case Number: C0251369

FINAL AGENCY DECISION

It is the decision of the U.S. Department of Agriculture (USDA), Food and Nutrition Service (FNS), that there is sufficient evidence to support a finding that a six month disqualification from participating as an authorized retailer in the Supplemental Nutrition Assistance Program (SNAP) was properly imposed against Sally Gourmet Deli Corp (hereinafter "Sally Gourmet Deli Corp" or "Appellant") by the Retailer Operations Division of FNS.

ISSUE

The issue accepted for review is whether the Retailer Operations Division took appropriate action, consistent with Title 7 Code of Federal Regulations (CFR) Part 278 in its administration of the SNAP, when it imposed a six month period of disqualification against Sally Gourmet Deli Corp.

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.

CASE CHRONOLOGY

The Department of Agriculture conducted an investigation of the compliance of Sally Gourmet Deli Corp with Federal SNAP law and regulations during the period February 23, 2022 through March 5, 2022. In a letter dated May 3, 2022, the Retailer Operations Division charged the Appellant with accepting SNAP benefits in exchange for merchandise which included ineligible nonfood items in violation of 7 CFR § 278.2(a). These SNAP violations occurred on four out of four compliance visits. The letter further informed the Appellant that the violations warranted a disqualification period of six months as provided in 7 CFR § 278.6(e)(5). The letter also stated that under certain conditions, FNS may impose a hardship civil money penalty (CMP) in lieu of a disqualification as provided in 7 CFR § 278.6(f)(1).

The charge letter noted that per SNAP regulations Section 278.6(b), the Appellant has the right to present any information, explanation or evidence regarding the charges and must reply within 10 calendar days of the date of receipt of the charge letter. Per UPS confirmation of delivery, the charge letter was delivered to the Appellant at the store address of record on May 4, 2022.

In a response to the Retailer Operations Division of May 9, 2022, the Appellant, through counsel, responded to the letter of charges. The record reflects that the Retailer Operations Division received and considered the information provided prior to making a determination.

After considering the Appellant's response and the evidence of this case, the Retailer Operations Division issued a determination letter dated June 8, 2022. The determination letter informed the Appellant that the firm was disqualified from the SNAP for a period of six months in accordance with 7 CFR § 278.6(a) and (e). The determination letter also stated that the Retailer Operations Division considered the Appellant's eligibility for a hardship civil money penalty under 7 CFR § 278.6(f)(1). The Retailer Operations Division determined that the Appellant was not eligible for the hardship CMP in lieu of the six month disqualification because there were other authorized retail stores in the area selling as large a variety of staple foods at comparable prices.

In a letter postmarked June 11, 2022, the Appellant, through counsel, appealed the Retailer Operations Division's assessment and requested an administrative review of this action. FNS granted the Appellant's request for administrative review by letter dated June 14, 2022. Upon acceptance of the administrative review request, implementation of the six month disqualification was held in abeyance pending completion of this review.

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 the Appellant has the burden of providing relevant evidence which a reasonable mind, considering the record as a whole, might 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 statute in this matter is contained in the Food and Nutrition Act of 2008, as amended, 7 U.S.C. § 2021, and promulgated through regulations under Title 7 CFR Part 278. In particular, 7 CFR § 278.6(a) and (e) establish the authority upon which a disqualification may be imposed against a retail food store or wholesale food concern.

7 CFR § 278.2(a) states, inter alia:

> Coupons may be accepted by an authorized retail food store only from eligible households . . . only in exchange for eligible food.

7 CFR § 271.2 states, inter alia:

> 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(a) states, inter alia:

> FNS may disqualify any authorized retail food store . . . if the firm fails to comply with the Food and Nutrition Act of 2008, as amended, or this part. Such disqualification shall result from a finding of a violation on the basis of evidence that may include facts established through on-site investigations.

7 CFR § 278.6(e)(5) states, inter alia:

> Disqualify the firm for 6 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, inter alia:

> FNS may impose a civil money penalty as a sanction in lieu of disqualification when . . . the firm's disqualification would cause hardship to Food Stamp [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.

SUMMARY OF THE CHARGES

During an investigation conducted from February 23, 2022 through March 5, 2022, USDA conducted four compliance visits at Sally Gourmet Deli Corp. A report of the investigation was provided to the Appellant as an attachment to the charge letter dated May 3, 2022. The investigation report included Exhibits A through D which provide full details on the results of each compliance visit. The investigation report documents that SNAP violations were recorded during four of the four compliance visits and involved the sale of a variety of items best described in regulatory terms as "common nonfood items". The misuse of SNAP benefits noted in Exhibits A, B, C, and D warrant a disqualification as a SNAP retail food store for a period of six months. The exchange of these ineligible items for SNAP benefits is in violation of 7 CFR § 278.2(a).

APPELLANT'S CONTENTIONS

The following represents a brief summary of the Appellant's contentions in this matter. Please be assured, however, that in reaching a decision, full attention and consideration was given to all contentions presented, including any not specifically recapitulated or specifically referenced herein.

In the reply to the charge letter and in the administrative review request, the Appellant, through counsel, stated the following summarized contentions, in relevant part:

- The owner vehemently denies that he personally engaged in any type of illegal activity and was unaware, until the receipt of the charge letter, that anyone else in the store or employed by the owner is alleged to have engaged in such activities.
- Since being authorized to participate in the SNAP, the Appellant has maintained an exemplary record and this allegation is the first occasion in which a member of the firm and its management are aware of conduct of any SNAP violations. Such an unblemished record is evidence of the Appellant's continued compliance with the law and training and supervision of employees.
- By virtue of the hours that this retail grocery store is open for business, the owner cannot be in attendance at all times. Therefore, he must rely upon the competency, honesty, and good judgment of store employees, particularly the clerks and cashiers, during his absence. The owner denies that the incidents forming the basis of the complaint as set forth in the letter of charges took place. It would be irrational and illogical to accept and conclude that the owner of a solvent and successful business would jeopardize the business and his livelihood by risking a six month disqualification from participation in the SNAP, especially in light of the meager amount of the alleged items sold and the substantial amounts that this owner has invested in this business.
- The investigator failed to make any effort during the investigation to determine the true identity and full name of the clerk who allegedly committed the wrongdoing as noted in the Exhibits. There is no description of the clerk, no name, no title, no means of identification or his relationship to the owner after four undercover visits to the store.
- The owner denies that the description of individuals alleged to be clerks in this store as set forth in the investigation reports are employed in this store.
- In each of the Exhibits, there is no time of entry and departure by anyone to and from the subject premises. There is no information about time spent in the store by the investigator which is important for the following reasons: (a) was the time sufficient for the investigator to complete the selection of the multiple items from the various locations in this grocery store, wait in line at the counter, have the purchases totaled at said counter and pay for same, and (b) based on the hour of any given day, the owner herein can identify the clerk who was on duty at the time. The clerk's identity is of importance particularly when it will directly impact a business. In addition, any surveillance cameras in the store are self-erasing and the images taken during the investigation are no longer available for viewing.
- The name of anyone connected with the investigation has never been disclosed and the owner is entitled to know whether there was an investigation and who was involved.
- There is no proof that any sale ever occurred. There are no cash receipts or cash register receipts. The price of each product at the Appellant store is carefully marked. As a result, each customer receives a cash register receipt or tape when a purchase is made. The owner denies that sales were made without receipts or that there was no price indicated on items that were allegedly purchased. There is also a major issue as to what was exchanged or purchased, so that the entire substance of the sale of ineligible items allegation is not supported in the record.
- The amount involved in the alleged sale of ineligible items is of such an insignificant amount that is raises a question about the appropriateness and credibility of the investigative reports. That where the value of such items is less than $3.00, and there is no allegations that benefits were trafficked, nor cash received, and particularly compared to the failed attempt to induce

the employee to traffick SNAP benefits in Exhibit D evidences that the penalty imposed is unduly harsh and excessive.

- There is no mention in the investigation report of the interactions between the investigator and the clerk and it is submitted that the clerk did not want to sell the ineligible items or exchange SNAP benefits for cash. However, the investigator persists in his entrapment, using pleas of poverty and necessity to get the clerk to sell these items.
- These incompetence, inadequacies, inaccuracies and insufficiencies affect the reliability, veracity and sufficiency of the investigation reports.
- As there have been no named employees designated by FNS as individuals who have violated the SNAP regulations, there have been no violating employee(s) who have been disciplined.
- Should FNS determine the Appellant violated Section 278.2(a) of the SNAP regulations, pursuant to Section 278.6(f)(1), the agency should impose a civil money penalty as a sanction in lieu of disqualification as it would be a violation of due process to prosecute the owner for alleged transactions that occurred without any warning letter to correct and cure any issue with one employee.
- The firm has met the criteria listed in 7 CFR 278.6(i) in that it had developed and implemented an effective compliance policy and program which was in operation prior to the occurrence of the SNAP violations. The owner was not aware of, did not approve, did not benefit from, or was not in any way involved in the conducted or approval of the alleged sale of common ineligible items as set forth in the charge letter.
- Since being authorized to accept SNAP benefits, the Appellant has continuously trained and tested employees concerning the SNAP regulations and requirements regarding the prohibitions against sales of ineligible items and exchanging SNAP benefits for cash.
- The Appellant's training program consists of two weeks of intensive, hands on classes, overseen by the store owner. He works with each employee during this period, teaching them the rules and regulations of the SNAP. He mandates the viewing of the FNS video and provides them with handouts and other printed materials, which they must read, study, and learn prior to their full employment in the store. Upon the conclusion of the two-week period, the owner gives each employee a test to ensure their compliance with the SNAP regulations. Any employee that is suspected of failing to comply with the policies of the store is immediately terminated.
- A substantial portion of the Appellant's sales and revenues (approximately 35%) result from its participation in the SNAP. SNAP sales provide the income necessary to keep the business profitable so it can continue its operation. A SNAP disqualification would so adversely affect this business that it would cause irreparable injury and damage to the owner's reputation in the business community.
- A SNAP disqualification would impose a hardship on area SNAP customers. The Appellant is at all times continually well stocked with a large quantity of staple food inventory specifically designed to accommodate low-income customers. The Appellant is located near a bus stop and a subway station. The Appellant provides necessary items to the community comprised of large apartment housing projects, all with large families which are all within a two-block radius. The neighborhood has a high concentration of minority populations and there are family homeless shelters, nursing homes, rehabilitation centers, senior living centers, and other commercial enterprises in the immediate area. The closest supermarket is located several blocks away and closes early in the evening. As a result of disqualifications to many authorized retail stores in the area, there is a lack of "authorized retail stores in the area selling as large a variety of staple foods at comparable prices".

- The Appellant's counsel requests certain information with regard to the subject case under the Freedom of Information Act (FOIA) and has submitted a request for said information to the FNS FOIA office.
- Without this additional information the Appellant will not be afforded an opportunity to properly defend, answer and address these charges, and, as a result, will be deprived of due process. As such, notwithstanding any preclusion by regulation, it is demanded that no action be taken until counsel is furnished the information requested under the Freedom of Information Act.

ANALYSIS AND FINDINGS

SNAP Violations

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.

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 owner vehemently denies that he personally engaged in any type of illegal activity and was unaware, until the receipt of the charge letter, that anyone else in the store or employed by the owner is alleged to have engaged in such activities.

However, the FNS investigative report shows that male employees working at the Appellant firm accepted SNAP benefits for ineligible nonfood items on four separate occasions during the investigative period indicating an ongoing pattern of SNAP violations as defined by Section 271.2 of the SNAP regulations. 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. Additionally, a review of the report shows no errors or discrepancies.

The Appellant contends that the amount involved in the alleged ineligible sale activities is of such an insignificant amount that it raises a question about the appropriateness and credibility of the investigative reports. However, there is no regulatory threshold for the dollar value of the ineligible items purchased or for the timeframe in which they were purchased. While the Appellant is correct that the employee in Exhibit D refused to traffick SNAP benefits, the acceptance of SNAP benefits for ineligible items as noted in Exhibits A, B, C, and D is a violation of the SNAP rules and regulations and warrant a disqualification as a SNAP retail food store for a period of six months. 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 Appellant contends that the price of each product at the store is carefully marked. As a result, each customer receives a cash register receipt or tape when a purchase is made. The owner denies that sales were made without receipts or that there was no price indicated on items that were allegedly purchased. Investigative personnel stand by their report that the items listed in the investigation report were, in fact, purchased and have documentation on file that confirms the items listed were donated to and signed for by a charitable organization following each transaction. Also supporting the conclusion that the investigation did take place at the subject store are EBT receipts obtained during the investigation whose transaction amounts correspond exactly to the purchase amounts and times indicated in each of the Exhibits of the investigation report, and clearly bear the name and address of the subject store. Therefore, the evidence supports the conclusion that the Appellant was not misidentified as the offending store and that the SNAP violations as noted occurred.

The Appellant contends that it had developed and implemented an effective compliance policy and program which was in operation prior to the occurrence of the SNAP violations. Since being authorized to participate in the SNAP, the owner has continuously trained and tested his employees concerning the SNAP rules relating to the prohibitions against sales of ineligible items and exchanging cash for SNAP benefits.

However, had an effective compliance policy and program been in effect at the firm, it is unlikely that the 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 the employees. Additionally, had store ownership and/or management been supervising the 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 the employees were deficient in their knowledge of SNAP rules and regulations had it periodically spot checked the employees' 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 authorization 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 the 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. These actions more likely than not represent 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 Civil Money Penalty section of this Final Agency Decision.

The Appellant is correct that the firm has no previous history of SNAP program violations or warnings. However, a record of participation in the SNAP with no previously documented instance of violations does not constitute valid grounds for dismissal of the current charges of violations or for mitigating the impact of those charges.

With regard to the Appellant's contention that FNS should impose a civil money penalty as a sanction in lieu of SNAP disqualification as it would be a violation of due process to prosecute this owner for alleged transactions that occurred without any warning letter to correct and cure any issue with one employee, 7 CFR § 278.6(d)(2) & (3) of the SNAP regulations provides that "The FNS office making a disqualification or penalty determination . . . shall consider . . . any prior action . . . to warn the firm about the possibility that violations are occurring . . .". The citation simply requires FNS to consider any prior warnings when determining a sanction. It does not require FNS to give such warnings. FNS did not consider prior actions to warn the Appellant about the possibility that violations were occurring because there were no prior warnings.

With regard to the Appellant's contention that, rather than just verifying violations, the investigator offered and persuaded the store clerks to violate seems to imply that the investigator engaged in activity commonly referred to as entrapment. Generally, the entrapment that is forbidden by law depends on whether or not the activity leading up to the violation amounted to putting the activity in the mind of a person who had no prior inclination to violate, and leading him/her to do so for the first time. The U.S. Department of Agriculture's Office of General Counsel maintains that if investigators merely provide an opportunity for a suspected violator to continue on a course of criminal conduct, such activity will not constitute entrapment. In this regard, the investigation record does not contain any evidence indicating activity characteristic of entrapment, nor had the retailer provided substantial evidence to support the claim of entrapment.

Regarding the Appellant's other contentions, no statutory or regulatory requirements exist for investigative personnel to positively identify store employees that have committed violations of SNAP rules and regulations. The descriptions contained in the Report of Positive Investigation are provided only to assist store ownership in identifying those employees responsible for the violative transactions. Many variables can affect the description of an employee (e.g. whether the employee was sitting or standing or on a platform, the fit of their clothing, changing hair styles/lengths/colors, etc.) so these descriptions may not be one hundred percent accurate which does not mean that the violations did not occur. Disclosing the identity of investigative personnel would cause a clearly unwarranted invasion of personal privacy. The store entry/exit times could also be used to identify investigative personnel and cannot be provided. The owner's denial of cash register tapes not being provided to the USDA investigator does not constitute valid grounds for dismissal of the current charges of violations or for mitigating their impact.

Based on this discussion, the decision by the Retailer Operations Division 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.

Financial Hardship

With regard to the Appellant's contention that a SNAP disqualification would impose a financial hardship to the firm, 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 assessment on the basis of possible economic hardship to the firm or to ownership resulting from imposition of such penalty. To allow ownership to be excused from an assessed administrative penalty based on purported economic hardship to the firm would render virtually meaningless the enforcement provisions of the Food and Nutrition Act of 2008, as amended, and the enforcement efforts of the USDA.

Furthermore, giving special consideration to economic hardship to the firm would forsake fairness and equity, not only to competing stores and other participating retailers who are complying fully with program regulations, but also to those retailers who have been disqualified from the program in the past for similar violations. Therefore, Appellant's contention that the firm may incur economic hardship based on the assessment of an administrative penalty does not provide any valid basis for dismissing the charges or for mitigating the penalty imposed.

FOIA

The Appellant's counsel requests certain information with regard to the subject case under the Freedom of Information Act and has submitted a request for said information to the FNS FOIA office. Without this additional information the Appellant will not be afforded an opportunity to properly defend, answer and address these charges, and, as a result, will be deprived of due process. As such, notwithstanding any preclusion by regulation, it is demanded that no action be taken until counsel is furnished the information requested under the Freedom of Information Act.

At the time of the June 8, 2022 determination letter, the Retailer Operations Division had not received notification from the FNS FOIA office that a FOIA request had been made by the Appellant or counsel. Regardless, effective October 26, 2020, changes to 7 CFR § 278.6 and 7 CFR § 279.4 went into effect which allow FNS to take administrative action against a firm, even if the firm has submitted a FOIA request or appeal for records. FNS policy notes that under no circumstance may a FOIA request or appeal for records submitted on or after October 26, 2020 delay or prohibit FNS from making a determination regarding disqualification or penalty against a firm, or delay the effective date of a disqualification or penalty.

With regard to the Appellant's contentions with regard to lack of due process, prior to a disqualification determination, the firm was given ample opportunity to reply to the charge letter and provide any information to justify as legitimate the transactions noted in the investigation reports. The Appellant, through counsel, submitted a response to the letter of charges and the Retailer Operations Division received and considered this information prior to making a determination.

The second level of due process involves an administrative review, of which the Appellant, through counsel, has likewise availed itself and in the process of which the Appellant was granted an additional three weeks within which additional information may be provided in support of the request for review. Therefore, any evidence and information that the Appellant presented to the Retailer Operations Division, as well as any such information submitted subsequently, have now been considered in this administrative review in rendering the final agency administrative decision in this

case. The record does not indicate any departure from established policy or procedures with regard to the Appellant's right to a fair and thorough review. The Appellant has exercised its opportunity to reply to the charge letter and its administrative review rights, and by doing so has availed itself of the full complement of the agency's statutory obligations with regard to due process.

CIVIL MONEY PENALTY

The Appellant contends that a SNAP disqualification would impose a hardship on area SNAP customers and requests the imposition of a civil money penalty in lieu of a SNAP disqualification.

The Retailer Operations Division determined that the Appellant was not eligible for a hardship civil money penalty (CMP) under 7 CFR § 278.6(f)(1). That regulation reads, in part, "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." [Emphasis added]. 5 U.S.C. § 552 (b)(7)(E).

Based on the evidence, the disqualification of Sally Gourmet Deli Corp would not cause a hardship to SNAP recipients in the area, as opposed to a mere inconvenience; therefore, the Retailer Operations Division's decision not to assess a hardship CMP in lieu of a six month disqualification is sustained as appropriate under 7 CFR § 278.6(f)(1).

CONCLUSION

It is therefore established that the violations as described in the letter of charges did in fact occur at Sally Gourmet Deli Corp warranting a disqualification of six months in accordance with 7 CFR § 278.6(e)(5). That regulation states that FNS shall "disqualify the firm for 6 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". Therefore, the decision to impose a six month disqualification, the least severe penalty allowed by regulation, against Sally Gourmet Deli Corp, the Appellant firm, is appropriate and the action is sustained.

In accordance with the Food and Nutrition Act of 2008 and the regulations there under, the six month period of disqualification shall become effective thirty (30) days after receipt of this letter. A new application for participation may be submitted by the firm ten (10) days prior to the expiration of this six month period.

RIGHTS AND REMEDIES

Your attention is called to Section 14 of the Food and Nutrition Act (7 U.S.C. 2023) and to Section 279.7 of the Regulations (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, FNS is 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.

LORIE L. CONNEEN
ADMINISTRATIVE REVIEW OFFICER

August 11, 2022