

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

**Tasty Fast Food & Grocery Inc #1,
Appellant,**

v.

**Retailer Operations Division,
Respondent.**

Case Number: C0246096

FINAL AGENCY DECISION

It is the decision of the USDA that the record indicates that Tasty Fast Food & Grocery Inc #1, (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(c) and (e)(1) in its administration of the SNAP, when it assessed a permanent disqualification against Appellant by letter dated August 11, 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 July 1, 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 November 2020 through April 2021. The letter noted that the penalty for trafficking is permanent disqualification as provided by 7 CFR § 278.6(e)(1). The letter also noted that 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 a July 8, 2021, telephone conversation and email of representation received from Appellant’s attorney, a request for an extension of time in which to respond to the charge letter was

submitted. The extension was granted to August 5, 2021; however, the record reflects that no further documentation nor response to the charge letter was provided.

Retailer Operations Division issued a Determination letter dated August 11, 2021. The letter informed Appellant that it was permanently disqualified from the SNAP in accordance with Sections 278.6(c) and 278.6(e)(1) of the SNAP regulations. The letter also stated that Retailer Operations Division 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 dated August 20, 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) (c) 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, *inter alia*, 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 2008, as amended, or this part. Such disqualification shall result from a finding of a violation on the basis of evidence that may include facts established through on-site investigations, inconsistent redemption data, evidence obtained through a transaction report under an **electronic benefit transfer system ...**" (*Emphasis added*)

7 CFR § 278.6(c) reads, in part, "*Review of Evidence.* 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)...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..."

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.”

SUMMARY OF THE CHARGES

The charges on review were based on an analysis of SNAP electronic benefit transfer (EBT) transactions dated during the six-month period of November 2020 through April 2021. This involved three patterns of EBT transaction characteristics indicative of trafficking:

1. Multiple transactions were made from one or more households within a short timeframe.
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 issue in this review is whether, through a preponderance of evidence, it is more likely true than not true that the questionable transactions were the result of trafficking.

APPELLANT’S CONTENTIONS

The Appellant, through counsel, made the following summarized contentions in its response to the permanent disqualification letter issued by Retailer Operations Division, and its request for administrative review, in relevant part:

1. USDA has provided no basis for its determination of what constitutes “large” transactions. Nor does it provide any definition of factors to be considered in matching what it terms “store characteristics and recorded food stock” to transaction amounts.
2. A multitude of factors necessarily affects any such calculation, including: City population, city location in the country, location within the city, income level in the surrounding community, spending habits of the location community, access to larger supermarkets common in suburban and rural areas but nonexistent in low income urban areas; local community access to transportation options; increased costs of security and insurance for firms in inner-city locations, and individual characteristics of the firm such as foot traffic, square footage, and relative proximity to other retail firms providing food sales services.
3. The list of “high dollar” transactions note in exhibit 3 of the charging letter are certainly not out of character for my client given the totality of the facts. Said list shows purchases made by a limited group of families who tend to make larger purchases (which are common to many families whether in the program or not) close to monthly funds availability.

4. My client purchased the bulk of his inventory of qualified from A&B Vendor during the period in question (see attached), A total of \$111,930 of eligible staples were purchased. 69% of the inventory purchased were meats and fish products. The total alleged questionable transactions cited were \$46,289.05. Given a standard 30% mark-up, there inventory purchases more than adequately support the legitimacy of the transactions.
5. Please note that my client prevailed in a 2019 case which also alleged trafficking. I have attached the reports, photos and invoices tendered in our response. The data is very consistent with the current report noted above, including the same supplier and photos of the stock.
6. The Department's process also denies my client due process by delaying its charging letter more than three months after its test period expired.

With its review request, Appellant provided 11 pages of invoices to cover the review period. 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 small grocery store on August 2, 2018. The file indicates that in reaching a disqualification determination, Retailer Operations Division considered information obtained during an April 12, 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 EBT transactions at Appellant that formed patterns indicative of trafficking. The firm review summary documented the following store size, description, and characteristics:

- One cash register and one POS device. No stock or counter area access to customers. Items passed to customers through a turnstile.
- Estimated to be approximately 240 square feet (customer access – no access to stock items).
- No shopping baskets or carts available for customers.
- No adding machines or optical scanners were available at checkout. No specialty registers present.
- Store operates through a night window or plastic barrier with all food stock behind the barrier.
- No evidence of wholesale business such as posted prices or separate entrances for wholesale customers.
- No unusual pricing structure such as ending most products with 00 cents and does not round transaction totals.
- Food is stored in an area outside of public view that is approximately 1300 square feet in size behind an encasement.
- Store has storage freezers or coolers, but no food stored off site.
- Store is not primarily selling one food type such as meat, poultry, dairy, seafood, fruits, baked goods, or vegetables.
- Store takes telephone orders for hot foods only but does not offer delivery .

- Highest priced eligible food items were Italian Beef (\$45.99), Oil (\$39.68), Wings (\$52.99) Beef Patties (\$19.99), Jemm Burgers (\$15.79) and Tzatziki Sauce (\$12.99).
- Store stocks minimal amounts of non-food items such as but not limited to health and beauty products, personal electronics, cleaning products.
- Based on photographs, store stocks minimal amounts of dairy products, bread and cereal products, fruit and vegetable products and meat, poultry, and fish products. No fresh fruits or produce, minimal fresh meat or poultry only a pan of chicken was displayed. Other meats appeared to be stored in large bags or containers out of customer view.
- Large kitchen/prepared food area
- Hot foods sold for onsite/offsite consumption. Stock is used in the preparation of the menu items (all deli, meat, seafood, cheese, bread and produce).
- Sign indicating meat or seafood specials or bundles, no fruit/vegetable boxes sold.
- The store presents itself as a takeout eatery. The main part of the store is behind a Plexi-glass encasement and there is an extensive menu board that covers most of the outside of the encasement.
- Store visit documentation indicates that store sells bundles, but the prices change daily, and deli meat/cheese is sold by the pound, but no prices were listed.
- The number of units of meats, poultry, fish appeared too low for significant sales of meat/seafood bundles.

The 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 the Appellant firm during the review period. As there is more than one pattern of irregular transactions, the case of trafficking becomes more convincing.

Attachment 1 of the Charge Letter – Multiple transactions were made from one or more households within a short timeframe.

This attachment lists 25 sets of transactions totaling \$2,152.66 in SNAP benefits. Each transaction set was completed in less than two minutes. These types of rapid transactions at a firm with only one register and limited counter space are indicative of trafficking in EBT benefits. Retailer Operations considered this to be a strong indicator because the second purchase of items would have to be requested by the customer, selected by the clerk, transported to the limited counter area, keyed at the register, a card swiped, a pin entered, and approval indicated, and a receipt printed. Additionally, the second transaction in the set was conducted by a different household for amounts too large to be credible given the time between the transactions and the physical characteristics of the Appellant which do not validate the legitimacy of the transactions.

Based on the analysis above, the store's characteristics, the encased checkout area and the customer's lack of direct access to the stores inventory, 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.

During the review period, there were 81 sets of 182 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.

Appellant, through counsel, contends that 2. A multitude of factors necessarily affects any such calculation , including: City population, city location in the country, location within the city, income level in the surrounding community, spending habits of the location community, access to larger supermarkets common in suburban and rural areas but nonexistent in low income urban areas; local community access to transportation options; increased costs of security and insurance for firms in inner-city locations, and individual characteristics of the firm such as foot traffic, square footage, and relative proximity to other retail firms providing food sales services.

With regards to this contention, it must be noted that SNAP households have no limits on the number of times they may use their SNAP cards or how much eligible food they may purchase. The transactions in this Attachment do not contain the characteristics associated with a recipient purchasing forgotten items a short time after checking out or households returning to purchase a forgotten item or two. It is certainly not unusual for a small number of SNAP households to conduct multiple transactions in a set time period. The demographics of any particular area may indicate percentages of resident ages, income, household size, population and other census information and is not disputed; however, census information does not forecast a SNAP households shopping routine. It is important to note that Appellant's proximity to a low-income neighborhood simply provides access for recipients and does not prove that the recipients spend nearly all their benefits at the store. Additionally, being in a low-income neighborhood does not adequately explain or justify the irregular and suspicious transaction patterns as cited in the charge letter .

In conclusion, it is therefore more likely true than not true that the irregular transactions cited in the charge letter Attachment 2 are due to trafficking in SNAP benefits.

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 635 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 characteristics or inventory of low-priced 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.

The majority of the stock items appear to be canned goods and snacks. The store visit documentation indicates that the Appellant offers hot/cold prepared food items and meat and/or seafood bundles but does not offer any fruit/vegetable specials. The overall available eligible food at the store can be described as minimally stocked due to empty shelves and coolers. The

contracted store visit notes the six most expensive SNAP/EBT eligible food items to range from \$12.99 to \$52.99. However, the store visit photographs do not show food stock to corroborate the actual availability of meat/seafood bundles. It is important to note that Appellant uses meat and seafood purchased in the sale of hot foods as listed on the available menu boards which consisted of hot sandwiches (chicken, Italian sausage, Italian beef, fish etc.), pizza puffs, cheeseburgers, chicken wings, gyros, cheese steaks, fried fish and shrimp, hot dogs, onion rings, French fries, and other side items.

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. 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 Montgomery County area of Alabama. This is another strong trafficking indicator

As an example: The record reflects that on 03/05/2021 a household spent \$90.71 at a superstore then on the same day 13 minutes later the household went to Appellant and spent \$98.78. The record reflects that the household was a 4-minute drive from Appellant and had less than nine (9) minutes to individually select items for the clerk to obtain (as the store items are all behind the counter and some out of sight for the customers) and purchase the items all in this short amount of time. Given the dynamics of how Appellant is set up and the household requesting certain items, not knowing if the items were available or not, the clerk selecting the items, and the steps required in completing a SNAP transaction, it is highly unlikely that this transaction was a legitimate SNAP purchase.

On 04/13/2021 a household spent \$27.23 at a presumably less expensive superstore store that offers ample produce and a wide variety of staple foods however the household visited Appellant’s store the next day and expended a total of \$122.50 in SNAP benefits.

Appellant provided, with its review request, purchase receipts for the review period. The following table shows the analysis conducted regarding the submitted receipts:

Tasty Fast Food & Grocery Inc #1							
		Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21
FNS Summary of Purchases							
Allowable Eligible Food Expenses (per receipts and invoices)		\$ 18,749.15	\$ 10,113.60	\$24,660.85	\$ 18,363.05	\$ 18,214.50	\$ 21,832.15
Mark-up on Allowable Eligible Food Expenses	40%	\$ 7,499.66	\$ 4,045.44	\$ 9,864.34	\$ 7,345.22	\$ 7,285.80	\$ 8,732.86
Allowable w/Mark-up		\$ 26,248.81	\$ 14,159.04	\$34,525.19	\$ 25,708.27	\$ 25,500.30	\$ 30,565.01
Subtract:							
Cash and Other (credit and/or debit cards)	20%	\$ 5,249.76	\$ 2,831.81	\$ 6,905.04	\$ 5,141.65	\$ 5,100.06	\$ 6,113.00
Monthly WIC Redemptions (monthly average)		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Allowable Eligible Food Expenses		\$ 20,999.05	\$ 11,327.23	\$27,620.15	\$ 20,566.62	\$ 20,400.24	\$ 24,452.01
Monthly Redemptions		\$ 14,667.48	\$ 11,752.37	\$15,236.23	\$ 17,557.58	\$ 18,096.30	\$ 23,453.54
Total Difference - Total Allowable Eligible Food Expenses and Monthly Redemptions		\$ 6,331.57	\$ (425.14)	\$12,383.92	\$ 3,009.04	\$ 2,303.94	\$ 998.4680
Review period Totals							
Monthly Redemptions (4 Month Review Period)			\$ 100,763.50				
Allowable Eligible Food Expenses w/Mark-up	40%		\$ 156,706.62				
Subtract Cash and Other (credit/debit cards) Sales	20%	\$ 31,341.32					
Subtract WIC Redemptions		\$ -	\$ -				
Total Difference - Total Allowable Eligible Food Expenses and Monthly Redemptions			\$ 24,601.80				

Based on an analysis of the eligible receipts and as seen in the table above, the invoices are sufficient to demonstrate that Appellant purchased enough inventory to support the amounts of its SNAP transactions. Still, there is not enough information to determine whether they account for the sum of Appellant's SNAP and non-SNAP transaction activity. While the overall dollar amount of SNAP activity is relevant, the charge letter did not cite as evidence Appellant's SNAP sales total. Rather, the Retailer Operations Division identified a series of different suspicious transaction patterns that were indicative of trafficking.

Once more, though the purchase invoices show sufficient inventory, the store visit photographs do not show food stock to corroborate the actual availability of meat/seafood bundles as alleged and Appellant provided a significant offering of hot/prepared foods utilizing the stores purchased stock, which calls into question the validity of the unusual, irregular, and inexplicable transaction patterns given the store's unusual characteristics and the customers lack of access to any items sold by Appellant.

Based on this empirical data, and in the absence of sufficient evidence as to the legitimacy of such transactions, a conclusion can be drawn, through a preponderance of evidence that the "unusual, irregular, and inexplicable" transactions and patterns cited in the charge letter evidence trafficking as the most likely explanation. In this case, ownership did not provide sufficient evidence to legitimize Appellant's transaction data as outlined in the Attachments. Retailer Operations Division determined that Appellant's contentions did not outweigh the evidence that the store was trafficking and concluded, through a preponderance of evidence, that trafficking is the most probable explanation for the questionable transactions listed in the charge letter attachments.

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.

Appellant, through counsel, contends that Appellant prevailed in a 2019 case which also alleged trafficking and the data is very consistent with the current report noted above, including the same supplier and photos of the stock. Regarding this contention, it is important to note that each instance of a case regarding retailer SNAP violations are determined and viewed on its own merits and not based on any past violations or the outcome thereof. Therefore, a record of past case outcomes does not constitute valid grounds for dismissal of the current charges of violations or for mitigating the impact of those charges

Based on a review of the evidence in this case, there is no question that Program violations did occur. As noted previously, the charges of violations are based on a USDA investigation. All transactions cited in the letter of charges were conducted or supervised by a USDA investigator and all are thoroughly documented. A review of this documentation has yielded no indication of

error or discrepancy in any of the reported findings. Rather, the investigative record is specific and accurate with regard to the dates of the violations.

RIGHT TO DUE PROCESS

With regard to the contention that the agency violated the Appellant's right to due process, it is important to note that the letter of charges provided Appellant the opportunity to reply to the charges and provide explanations for the questionable transactions. Appellant, through counsel, requested an extension of time in which to respond to the charge letter however the record reflects that no response was provided. After considering the evidence of the case and Appellant's failure to respond, Retailer Operations Division determined that a permanent disqualification was warranted. But while administrative action is held in abeyance for most adverse actions against firms pending appeal, there can be no stay of action pending an appeal of a permanent disqualification. 7 U.S.C. at 2023(a)(18) of the Food Stamp Act of 2008, as amended, states, in part: "SUSPENSION OF STORES PENDING REVIEW. Notwithstanding any other provision of this subsection, any permanent disqualification ... shall be effective from the date of receipt of the notice of disqualification."

Appellant, through counsel, has been duly given, and has taken, the opportunity to present to USDA through the administrative review process whatever evidence and information it deems as pertinent in support of its position that the Retailer Operations Division's adverse action should be reversed. In the instant case Appellant provided additional materials following delivery of the letter acknowledging acceptance of the appeal, the additional materials were accepted and included in the administrative review. Therefore, any evidence and information that 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 Appellant's right to a fair and thorough review. Although Appellant did not respond to the charge letter it has exercised its opportunity to reply to the 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.

SUMMARY

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 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 inconsistent redemption data, and evidence obtained through a transaction report under an electronic benefit transfer system.

Retailer Operations Division has presented a convincing case that Appellant has likely trafficked in SNAP benefits. This is evidenced by: the suspicious patterns in three attachments of EBT transaction data, the questionable eligible food stock as observed and recording during the onsite visit to support such large transactions, the lack of explanation for customer spending habits given the characteristics of Appellant's physical location and that there are other SNAP authorized stores located within proximity to Appellant, and the irregular SNAP transaction data

of Appellant as compared to other small grocery stores in the State.

Generally, stores caught in trafficking violations consistently display particular characteristic transaction patterns including those cited in the charge letter and, in the absence of evidence for the legitimacy of such transaction patterns, based on information submitted by the Appellant and a comparison of the store's characteristics and available stock to the transaction patterns cited in the charge letter, a conclusion can be drawn through a preponderance of evidence that the unusual, irregular, and inexplicable transactions and patterns evidence trafficking as the most likely explanation. 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.

The purpose of the administrative review process is to ensure that firms aggrieved by Retailer Operations Division' adverse actions have the opportunity to have their position fairly considered by an impartial review authority prior to that adverse action becoming final. Appellant has been duly given and has taken the opportunity to present to USDA through the administrative review process whatever evidence and information it deems pertinent in support of its position that Retailer Operations Division' adverse action should be reversed. Therefore, any evidence and information that Appellant presented to 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 Appellant's right to a fair and thorough review.

CIVIL MONEY PENALTY

Appellant was notified in the charge letter dated July 1, 2021, that it had 10 calendar days upon receipt of the charge letter to provide required documentation in order to be considered for the trafficking CMP. Appellant failed to provide Retailer Operations Division with the required documentation to be considered for a trafficking CMP in lieu of disqualification. Therefore, Retailer Operations Division correctly determined that Appellant was not eligible for a trafficking CMP as set forth in the SNAP regulations.

CONCLUSION

Ownership has not provided sufficient evidence to rebut the 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.

Retailer Operations Division' analysis of Appellant's EBT transaction record was the primary basis for its determination to permanently disqualify Tasty Fast Food & Grocery Inc #1 from participation in the SNAP. 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 herein, the determination to impose a permanent disqualification against Tasty Fast Food & Grocery Inc #1 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

July 25, 2022