

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

Dollar Plus LLC,

Appellant,

v.

Retailer Operations Division,

Respondent.

Case Number: C0198187

FINAL AGENCY DECISION

The U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS) finds there is sufficient evidence to support the determination by the Retailer Operations Division to impose a permanent disqualification of Dollar Plus LLC (“Appellant”) from participating as an authorized retailer in the Supplemental Nutrition Assistance Program (SNAP).

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, when it imposed a permanent disqualification against Dollar Plus LLC.

AUTHORITY

7 U.S.C. § 2023 and 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 SUMMARY

Dollar Plus LLC was initially authorized to participate in SNAP on May 28, 2015. In a letter dated March 29, 2017, the Retailer Operations Division charged Appellant with trafficking, as defined in § 271.2 of SNAP regulations, based on a series of irregular SNAP transaction patterns that occurred between the months of July 2019 and December 2019 and information obtained during a visit to the store by an FNS contractor on March 1, 2017. The attachments enclosed with the charge letter specified the questionable and unusual SNAP transactions indicative of trafficking that were conducted at Appellant’s firm during the review period. The letter noted that the penalty for trafficking is permanent disqualification, as provided in 7 CFR § 278.6(e)(1). It informed Appellant of the right to respond to the charges within 10 days of receipt to explain

the irregular SNAP transaction patterns and provided that Appellant may request a civil money penalty (CMP) in lieu of permanent disqualification for trafficking within 10 days of receipt of the charge letter, under the conditions specified in 7 CFR § 278.6(i).

Appellant, through counsel, requested an extension to respond to the trafficking charges, which was granted. Subsequently, Appellant requested documents under the Freedom of information Act (FOIA) on May 1, 2017. The FOIA Office responded to the request on May 18, 2017. Appellant appealed the response on August 16, 2017. The FOIA Office responded to the appeal on August 28, 2020. Appellant then responded to the trafficking charges on September 14, 2020, September 23, 2020, and October 27, 2020. The Appellant denied that the store engaged in trafficking. Among other contentions, the Appellant attempted to explain the irregular transaction patterns as due to the statistical results of the store's normal business operations and circumstances, local demographics, particular shopping habits of the store's clientele, and the availability of inventory and staple food items at the store. To support these explanations, the Appellant submitted customer affidavits, purchase invoices, and studies about SNAP benefit redemption patterns and grocery shopping trends. Although after the deadline specified in the charge letter, Appellant also requested a CMP in lieu of a permanent disqualification.

After considering Appellant's reply and further evaluating the evidence, the Retailer Operations Division concluded that trafficking had occurred as charged and issued a determination letter dated November 24, 2020. This letter informed Appellant that the firm 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 Appellant was not eligible for a trafficking CMP in accordance with § 278.6(i) because Appellant failed to submit sufficient evidence to demonstrate the firm had established and implemented an effective compliance policy and program to prevent SNAP violations.

In a December 3, 2020, letter, Appellant, through counsel, appealed the Retailer Operations Division's determination by requesting an administrative review. The request was granted. Appellant requested an extension of time to submit additional information, which was also granted. In supplemental correspondence emailed on January 25, 2021, Appellant, through counsel, submitted additional information in support of the request for administrative review.

STANDARD OF REVIEW

In an appeal of an adverse action, the appellant bears the burden of proving, by a preponderance of the evidence, that the administrative action should be reversed. This 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.

CONTROLLING LAW

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 [SNAP benefits] or trafficking in [SNAP benefits] 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 § 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....

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 § 278.2(a) states, in part:

[SNAP benefits] may be accepted by an authorized retail food store only from eligible households...only in exchange for eligible food. [SNAP benefits] may not be accepted in exchange for cash...[and] may not be accepted in payment of interest on loans or for any other nonfood use.

7 CFR § 278.2(f) states, in part:

SNAP benefits shall not be accepted by an authorized retail food store in payment for items sold to a household on credit. A firm that commits such violations shall be disqualified from participation in SNAP for a period of one year.

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....** Disqualification shall be for a period of 6 months to 5 years for the firm's first sanction; for [a] period of 12 months to 10 years for a firm's second sanction; and **disqualification shall be permanent for a disqualification based on paragraph (e) (1) of this section.** [Emphasis added.]

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(e)(1)(i) states, in part:

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

7 CFR § 278.6(i) states, in part:

FNS may impose a civil money penalty in lieu of a permanent disqualification for trafficking...if the firm timely submits to FNS substantial evidence which demonstrates that the firm had established and implemented an effective compliance policy and program to prevent violations of the Program.

SUMMARY OF CHARGES

FNS charged Dollar Plus LLC with trafficking based on an analysis of FNS records, which included observed store characteristics, recorded food stock, and store pricing gathered during a store visit, as well as Electronic Benefit Transfer (EBT) transaction data for July 2019 through December 2019. The attachments enclosed with the charge letter reflected the following transaction patterns, which commonly indicate trafficking:

- **Charge Letter Attachment 1:** An unusual number of transactions ending in a same cents value.
- **Charge Letter Attachment 2:** Multiple transactions were made from individual benefit accounts in unusually short time frames.
- **Charge Letter Attachment 3:** Excessively large purchase transactions made from recipient accounts.

APPELLANT'S CONTENTIONS

Appellant, through counsel, submitted a voluminous brief which included a considerable number of contentions and exhibits targeted to broadly question the validity of trafficking cases based on SNAP benefit redemption data, as well as the processes used to develop and decide these cases. Appellant also argues, in part, that normal SNAP household shopping behaviors, local business conditions, and other factors can explain the transactions identified in the charge letter. Appellant cites case law and past administrative review decisions in support of its contentions. For purposes of brevity, these broader arguments will not be specifically listed here.

Contentions specific to Appellant's case are summarized below:

- Customers with limited transportation or family health problems shop at Appellant as they cannot walk five to six blocks to other options. Customers attest to this in affidavits.
- The store has many staple food items, which sell frequently and are replenished monthly. The records submitted as evidence substantiate the store's inventory and demonstrate there was adequate food to account for the transactions during the review period.
- The store's pricing structure and rounding of transactions resulted in same-cents transactions. Store specials end in .00 cents, including a number of specified products.
- The store's inventory greatly exceeds those around it and it has a greater quality and variety than the average convenience store.
- The store's convenience is a factor as it is easier to get around than a larger store and customers are more likely to come back for supplemental quick shopping trips as compared to an average convenience store that has inferior inventory and which is farther from customers' homes. Alternatively, customers spend more per trip at Appellant as it has a large inventory and is their primary grocer.
- Customers attest in affidavits that they spend between \$50 and \$600 during a single shopping trip at the store, exhausting between 50% to 100% of their SNAP benefits.

In addition to the exhibits referenced above, Appellant submitted copies of inventory purchase records, customer affidavits, and undated photographs in support of its contentions.

The preceding represents a brief summary of Appellant's contentions. However, in reaching a decision, full consideration has been given to all contentions presented, including any that have not been specifically listed here.

ANALYSIS AND FINDINGS

This review examines the relevant information regarding the Retailer Operations Division's trafficking determination. The record must contain evidence sufficient to raise a presumption that trafficking occurred. In a trafficking determination, this evidence includes SNAP transaction data, considered together with other available information, such as store visit observations, the location and characteristics of competitor firms, and household shopping patterns. Once the presumption is established, Appellant bears the burden of providing relevant evidence to support a conclusion, considering the record as a whole, that it did not engage in trafficking. If Appellant fails to show this, the case will be sustained.

Retailers are provided opportunities to submit evidence accompanied by explanations of the legitimacy of questionable transactions, both to the Retailer Operations Division and here on administrative review. Without supporting evidence and rationale, assertions that the firm has not violated program rules do not constitute valid grounds for overturning the determination.

Based on the evidence in this case, the SNAP transactions listed in the March 29, 2017, charge letter were indicative of trafficking. Appellant has not provided reasonable explanations supported by sufficient credible and convincing evidence to demonstrate that these transactions were more likely due to reasons other than trafficking. Accordingly, the permanent disqualification is sustained. Discussed below are elements of the Retailer Operations Division's record, Appellant's contentions, and the findings of this review.

Store Characteristics

In reaching a disqualification determination, the Retailer Operations Division considered information obtained from a store visit conducted by an FNS contractor on March 1, 2017, to observe the nature and scope of the firm's operation, stock, and facilities. This store visit information was used to ascertain if there were justifiable explanations for the firm's irregular SNAP transaction patterns.

The store visit report and photographs documented that the Appellant store is a very small, 640 square feet, store with crowded shelves and aisles. Food items were generally single-serve or inexpensive. The store had limited amounts of fresh produce and no fresh meats, though it had some refrigerated processed meats. The store also had a moderate amount of accessory food items.

The SNAP-eligible food stocked by the store was generally of a low dollar value consisting mainly of inexpensive canned and packaged goods, snack foods, single-serving food items and accessory food items. Given the available inventory, it is unlikely the firm would have SNAP redemption patterns that differed significantly from those of similarly sized competitors, especially competitors that sell similar or identical food items.

SNAP Transaction Analysis

While SNAP households are not limited in the number of times they may use their SNAP benefit card or how much eligible food they may purchase in SNAP transactions, government analyses have found that stores likely trafficking SNAP benefits have particular transaction patterns or characteristics that are inconsistent with the transaction patterns and characteristics of similarly situated stores. The Charge Letter Attachments specify the unusual transactions and transaction patterns found at Appellant's store, which are considered together with other available information, such as store visit observations, the location and characteristics of competitor firms, and household shopping patterns, to determine if the anomalies can be explained based on circumstances specific to the store.

Charge Letter Attachment 1: An unusual number of transactions ending in a same cents value. 5 U.S.C. § 552 (b)(6) & (b)(7)(C). When there are a large number of transactions ending in a same cent value, this can indicate that transactions amounts are contrived. In the absence of any compelling rationale or evidence to the contrary, this can be indicative of trafficking.

In response to the charge letter and on administrative review, Appellant explained these transactions as being due to the store's pricing structure and because the store offers specials that end in .00 cents. Appellant provided a list of items priced that end .00 cents and submitted undated photographs of store inventory that included some of the items on the list. The photographs included items purportedly stored in backroom storage or at home.

While it may be true that Appellant's pricing structure includes prices that end in .00 cents, almost 40% of Appellant's transactions during the review period did not end in same cents totals. Given these transactions, there are evidently food products sold at Appellant that do not routinely end in transaction totals ending in .00 or .50 cents. Because many of the transactions in this attachment were extremely large and likely included many items purchased together, it is unlikely that some of the largest transactions in this attachment legitimately ended in same-cent totals.

Additionally, many of the items in the list of store specials provided by Appellant do not appear in the store visit report or photographs. In fact, Appellant has such a small store and such limited cooler space that it is unlikely that Appellant actually sells some of the higher priced items listed in its store specials list, or at least it is unlikely that it sells these in any quantity. For example, Appellant does not appear to have cooler space for the cases of 15-packs of dozen eggs that it claims to sell. Likewise, store visit photographs do not show cases of tea or fruit drinks for sale on the sales floor or anywhere in the store. Store visit reports identify if there is any storage of foods out of public view, but the store visit report indicated there was none at that time. The photographs Appellant submitted of backroom storage appear to have a different flooring than is in the store and so it is unclear if this storage is actually onsite. The photographs submitted by Appellant also appear to show different inventory on the sales floor than was available during the store visit. For example, they show cases of bottled drinks on the floors of aisles that were not present during the store visit. While Appellant may have a pricing structure than results in same-cents transactions, the evidence it submitted to support this claim is questionable.

With regard to rounding of transaction totals, Appellant has not submitted any evidence of this, like itemized transaction receipts, and customer affidavits did not indicate that transaction totals were rounded. If prices often ended in .00 cents or .25 cent increments, as also claimed by Appellant, it is unlikely that transaction totals would need to be rounded .00 or .50 cents.

Charge Letter Attachment 2: Multiple transactions were made from individual benefit accounts in unusually short time frames. 5 U.S.C. § 552 (b)(6) & (b)(7)(C). Violating stores often conduct multiple transactions from individual benefit account in short time periods to avoid the detection of single high-dollar transactions that cannot be supported by the retailer's inventory, store type, or structure.

5 U.S.C. § 552 (b)(6) & (b)(7)(C). Several of the transactions within sets were close together, taking place within seconds or minutes despite each being a large purchase that would likely last for a significant period of time. Although it is not uncommon for customers to have multiple transactions in a day or two, it is uncommon that, at a convenience store, such multiple transactions total large dollar amounts. The SNAP transactions noted in the charge letter are questionable not because they exceed any limits for use, but rather because they display characteristics of use inconsistent with the nature and extent of Appellant's stock and facilities and are therefore indicative of trafficking. The photographs from the store visit offer no explanation as to why SNAP customers would routinely shop at Appellant multiple times during a short period to purchase such a large volume of items, there being no great variety of products, price advantage, profusion of large packages, or significant bulk items for sale.

Charge Letter Attachment 3: Excessively large purchase transactions made from recipient accounts. 5 U.S.C. § 552 (b)(6) & (b)(7)(C).

Since the store sold primarily low dollar value items, it would take a very large volume of items to reach some of these transaction amounts. Given that the store had no shopping carts and just a few handheld baskets and had limited counter space at checkout, the store was not conducive to large purchase transactions. Again, the store's inventory and characteristics did not support the frequency of large transactions reflected in this Charge Letter Attachment. Additionally, there is nothing notable about the store that would make its redemption patterns differ so significantly from those of similarly-sized competitors offering similar food items.

In addition to the transactions in this attachment being unusually large, transaction totals recurred in the attachment an unusual number of times. In large purchase transactions, where multiple items are being purchased, it is unusual for the same transaction total to naturally recur multiple times. This can indicate that transaction totals are being contrived, which happens when stores are trafficking SNAP benefits. The table below shows the frequency of some of the recurrent SNAP redemption amounts during the review period. Additionally, these recurrent amounts tended to clump in \$5 increments, which is another pattern of contrived trafficking transaction totals.

5 U.S.C. § 552 (b)(6) & (b)(7)(C)

Competitor Stores

The Retailer Operations Division reviewed the number of SNAP authorized retailers within a one-mile radius of Appellant to determine if households living near Appellant had access to other shopping options during the review period. Mapping showed a small grocery store just 0.1 miles away and a supermarket just 0.15 miles away, as well as two super stores, two more supermarkets, six medium grocery stores, and 12 other small grocery stores within the one-mile radius. This comparison demonstrates that households shopping at Appellant likely had access to larger stores that may have lower prices and better inventory. With these shopping options, it is unlikely that SNAP recipients would expend their SNAP benefits in large amounts at Appellant's convenience store, and that they would do so recurrently.

Household Analysis

In addition to determining if households had access to other shopping options, the Retailer Operations Division conducted a household analysis to determine if households conducting suspicious transactions at Appellant actually utilized larger stores during the review period. As noted above, larger stores usually have lower prices and better inventory.

The analysis included examples of three households with unusual shopping patterns at Appellant that also regularly shopped at larger stores. Each of these households conducted large transactions at Appellant on the same day as shopping at a superstore. 5 U.S.C. § 552 (b)(6) & (b)(7)(C). The same household then shopped at a superstore later in the day. It is extremely unlikely that a household would spend such a large benefit amount at a convenience store on the same day as shopping at a superstore.

Comparison with Similarly Situated Convenience Stores

The Retailer Operations Division reviewed Appellant's store transactions to determine how they compared to convenience stores within a one-mile radius. Because the stores are close in proximity to Appellant, if the stores are similar in inventory and infrastructure to Appellant, then the sales patterns should be comparable.

This comparison showed that Appellant had significantly more transactions that met the parameters of the charge letter attachments as compared to the five stores within a five-mile radius combined. For example, Appellant had 125 transactions that met the parameters of Charge Letter Attachment 2, while the four other stores collectively had 17. Again, taking into account Appellant's inventory and characteristics, as well as the nearby shopping alternatives, it is unlikely that Appellant's transactions should differ from nearby competitors to such a great extent.

Evidence of Trafficking

Regarding Appellant's contentions with respect to the reliability of the ALERT system and confirmation bias, USDA employs a computerized fraud detection tool to identify EBT transactions that form patterns that have characteristics indicative of trafficking. However, this

tool does not, by itself, determine or conclude that trafficking has occurred. The Retailer Operations Division analyzes the transaction data and patterns along with other documentation such as, information from the onsite store visit report including photographs of stock and the store layout, an analysis of recipient shopping behavior, and comparisons with similar store types in local area, to render a determination as to whether or not the questionable transaction patterns were, more likely than not, the result of trafficking. The regulations at 7 CFR § 278.6(a) state 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, and that 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.

Appellant argues that USDA does not know the correlation coefficient between ALERT scans and trafficking. Appellant asserts that it has calculated this based on results of undercover investigations and determined that it was a positive correlation, but the relationship between the values is weak. These contentions are pure conjecture on the part of the Appellant. Appellant does not have the necessary data to perform a reliable correlation analysis.

Bank Statements/Invoices

The Appellant contends that it has submitted bank statements and inventory invoices for the review period substantiate the firm's inventory and demonstrate that there was adequate eligible food items to account for the transactions during the review period. While Appellant claims to have submitted bank statements, there is no evidence that these were submitted in response to the charge letter or for administrative review.

As to the inventory purchase invoices, Appellant has submitted purchase reports and invoices and other documentation of inventory purchases from Sam's Club, Frito-Lay and other vendors. The Retailer Operations Division analyzed the inventory purchase evidence showing purchases during the July 2016 through December 2016 review period to determine if Appellant had purchased sufficient inventory for the questionable transactions that took place.

Given that Appellant also participated in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), the Retailer Operations Division included WIC transactions in its analysis, finding that Appellant had not purchased enough food inventory to support the SNAP and WIC redemptions during the review period. 5 U.S.C. § 552 (b)(6) & (b)(7)(C). Presumably Appellant also had cash, credit, and debit transactions, which would have widened the gap further.

Case Law and Past Administrative Reviews

With regard to the case law cited by the Appellant, it is beyond the scope and authority of this review to determine the applicability of same. This review is limited to consideration of whether or not the Retailer Operations Division duly adhered to the Food and Nutrition Act of 2008, as amended, and the implementing regulations, and whether or not the action taken is sustainable by a preponderance of the evidence. Therefore, the application of any judicial precedent is better

addressed via judicial review. Accordingly, no further findings or conclusions are rendered in this regard.

With regard to the prior Final Agency Decisions cited by the Appellant, this administrative review decision is based on the specific circumstances of this case as documented by the materials provided by the Appellant and the Retailer Operations Division. This administrative review decision does not establish policy or supersede Federal law or regulations. The determination in this case conforms to SNAP regulations and is consistent with sanctions imposed upon other retailers that have committed similar violations.

Customer Affidavits

In support of its contentions, Appellant submitted 38 customer affidavits in which customers attested to making frequent or large purchases at the store, and/or a preference for shopping at the store because of factors such as the store's location, food prices, or good customer service.

Although customer affidavits attested to customers shopping at Appellant for different reasons, analyzed shopping patterns show that households shopping at Appellant, in fact, also shopped at larger, better stocked, and more competitively priced grocery stores, often on the same day. Additionally, the truth of customer affidavits cannot be verified. Written affidavits or declarations, by themselves and without supporting documentation relative to the specific transactions in question, offer little to no insight into the actions that occurred between the customer and the store clerk at the point of sale. Unsubstantiated statements are insufficient to rebut the trafficking determination.

Summary

This review finds that the attachments furnished with the charge letter adequately identify irregular patterns of SNAP transactions, thereby indicating that trafficking was likely taking place. The transactions listed in the charge letter are highly unusual and substantially different from comparable stores in the area. Based on these and other factors, such as the store's physical characteristics and inventory and household shopping patterns, the case for trafficking is convincing.

On review, the Appellant failed to prove, by a preponderance of the evidence, that the administrative action should be reversed. The Appellant has not offered sufficient and compelling evidence that the "unusual, irregular, and inexplicable" transactions and patterns cited in the charge letter were not caused by trafficking. In fact, the Appellant offered no reliable evidence to support its contentions regarding specific transactions listed in the charge letter. Given the totality of the record, this review finds the transactions listed in the charge letter attachments were, more likely than not, the result of trafficking violations committed by the Appellant. Therefore, the Retailer Operations Division's decision to impose a permanent disqualification against Dollar Plus LLC is sustained.

CIVIL MONEY PENALTY (CMP)

Appellant requests, in the alternative, that it be assessed a trafficking CMP and contends to have implemented an effective compliance program to prevent SNAP violations. However, Appellant did not request consideration for a trafficking CMP in lieu of a permanent disqualification within 10 days of the receiving the charge letter dated March 29, 2017, even though it was informed of the requirement to do so.

SNAP regulations, at 7 CFR § 278.6(b)(2)(ii), mandate that a request for a trafficking CMP along with supporting documentation shall be submitted within 10 days of receipt of the charge letter. SNAP regulations, at 7 CFR § 278.6(b)(2)(iii), also state, in part, that “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 ... the firm shall not be eligible for such a penalty.” Even if Appellant had submitted a timely request, it likely would not have been eligible for a trafficking CMP in lieu of disqualification because there is insufficient evidence to demonstrate that the firm had established and implemented an effective SNAP compliance policy and program prior to the violations. Therefore, the Retailer Operations Division correctly determined that Appellant is ineligible for a trafficking CMP in lieu of disqualification.

CONCLUSION

The Retailer Operations Division’s analysis of the EBT transaction record for Dollar Plus LLC was the primary basis for its determination to permanently disqualify the retailer. This review finds this data provides substantial evidence that the questionable transactions during the review period had characteristics that are consistent with trafficking in SNAP benefits. Store visit photographs and documentation further support the trafficking determination. Appellant has not proven, by a preponderance of evidence, that the administrative action should be modified or reversed.

Based on a review of all the information available in this case, the determination by the Retailer Operations Division to impose a permanent disqualification against Dollar Plus LLC, under the ownership of Sadallah Awad, is sustained.

RIGHTS AND REMEDIES

Applicable rights to a judicial review of this determination are set forth in Section 14 of the Food and Nutrition Act of 2008 (7 U.S.C. § 2023) and in SNAP regulations, at 7 CFR § 279.7. If 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 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.

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.

MICHELLE WATERS
ADMINISTRATIVE REVIEW OFFICER

February 17, 2023