

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

Moon Market,

Appellant,

v.

Retailer Operations Division,

Respondent.

Case Number: C0247730

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 permanent disqualification from participation as an authorized retailer in the Supplemental Nutrition Assistance Program (SNAP) was properly imposed against Moon Market (hereinafter “Moon Market” 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 7 CFR § 278.6(e)(1)(i) in its administration of the SNAP, when it imposed a permanent disqualification against Moon Market.

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

In a letter dated September 13, 2021, the Retailer Operations Division informed the Appellant that Moon Market was in violation of the terms and conditions of the SNAP regulations, 7 CFR § 270 – 282, based on EBT SNAP benefit transactions that “establish clear and repetitive patterns of unusual, irregular, and inexplicable SNAP activity for your type of firm.” 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). Per UPS confirmation of delivery, the charge letter was delivered to the Appellant at the store address of record on September 14, 2021.

The record reflects that via telephone conversation with Retailer Operations Division staff on September 20, 2021, the Appellant requested an extension in time for providing a response to the letter of charges. In a letter of September 20, 2021, the Retailer Operations Division granted the Appellant's time extension request to October 25, 2021. In that letter, the Appellant was informed that the time to request a civil money penalty in lieu of permanent disqualification and to provide the documentation to support such a request has not been extended.

In responses to the Retailer Operations Division of September 20, 2021, October 20, 2021 and October 25, 2021, the Appellant replied 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 responses and the evidence in the case, the Retailer Operations Division issued a determination letter dated November 29, 2021, informing the Appellant that Moon Market was being permanently disqualified from participation in the SNAP in accordance with 7 CFR § 278.6(e)(1) for trafficking violations. The letter also stated that the Appellant was not eligible for a trafficking civil money penalty (CMP) in accordance with 7 CFR § 278.6(i) as the Appellant did not submit sufficient evidence to demonstrate that the firm had established and implemented an effective compliance policy and program to prevent violations of the SNAP.

In a letter postmarked December 6, 2021, the Appellant, through counsel, requested an administrative review of the Retailer Operations Division's decision to permanently disqualify the firm from participation in the SNAP. FNS granted the Appellant's request for administrative review by letter dated December 9, 2021. Via email correspondence of December 16, 2021, the Appellant, through counsel, submitted additional information in support of the request for administrative 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, 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 and Nutrition Act of 2008, amended, 7 U.S.C. § 2021 and 278 of Title 7 of the Code of Federal Regulations (CFR). 7 U.S.C. § 2021, Part 278.6(a) and Part 278.6(e)(1)(i) of the Regulations establish the authority upon which a permanent disqualification may be imposed upon a retail food store or wholesale food concern. There also exist FNS policy memoranda and clarification letters which further explain the conditions necessary in order to permanently disqualify retail stores.

7 U.S.C. § 2021(b)(3)(B) states, inter alia:

... a disqualification under subsection (a) shall be ... permanent upon ... the first occasion or any subsequent occasion of a disqualification based on the purchase of coupons or trafficking in coupons or authorization cards by a retail food store or wholesale food concern or a

finding of the unauthorized redemption, use, transfer, acquisition, alteration, or possession of EBT cards ...

7 CFR § 278.6(a) states, 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, inconsistent redemption data, evidence obtained through a transaction report under an electronic benefit transfer system ... [Emphasis added].

7 CFR § 278.6(e)(1)(i) states:

Disqualify a firm permanently if: Personnel of the firm have trafficked as defined in § 271.2.

7 CFR § 271.2 states, inter alia:

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 § 278.6(f)(1) states, inter alia:

A civil money penalty for hardship to SNAP households may not be imposed in lieu of a permanent disqualification.

7 CFR § 278.6(i) states, inter alia:

FNS may impose a civil money penalty in lieu of a permanent disqualification for trafficking as defined in § 271.2 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 ...

7 CFR § 278.6(b)(2) states, inter alia:

(ii) 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 as specified in § 278.6(i), 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). [Emphasis added].

(iii) 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 penalty. [Emphasis added].

SUMMARY OF CHARGES

The Appellant was charged and determined to be trafficking based on an analysis of EBT transaction data from February 2021 through July 2021. This involved the following SNAP transactions patterns which are indicative of trafficking:

- There were multiple transactions made from the accounts of individual SNAP households within a set time period; and
- There were EBT transactions conducted 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 questionable transactions were the result of trafficking.

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

- The Appellant has been in business for years and has not been cited for SNAP violations.
- The Appellant was under reconstruction at the time of the store visit and ownership has been transferred to the owner's son.
- The Appellant is now authorized to participate in the SNAP under the new ownership (i.e., the owner's son).
- The transfer and reconstruction is why the store's stock appeared depleted at the time of the store visit. As such, the store could not carry very many perishable items including, but not limited to milk, eggs, and bread.
- The submitted inventory purchase invoices show that there was sufficient food inventory purchased for the Appellant during the review period.
- With regard to the transactions documented in charge letter Attachment 1, it is the nature of convenience store customers to frequently make multiple trips to their local store within the same day. The Appellant can provide validity of these transaction with video evidence from the store's monitoring system where one can see the transactions of goods.
- The Appellant rounds transactions up or down at the checkout counter.
- With regard to the transactions documented in charge letter Attachment 2, in approximately December of 2020 the Appellant introduced international/imported grocery items to the store which has increased business and brought customers from miles away.
- The Appellant also began using social media marketing which has been very successful in drawing new customers.

In support of these contentions, the Appellant, through counsel, submitted the following information for review:

- Inventory purchase invoices (319 pages); and
- Seven (7) photos of food stock and new floors being placed in store (Note: In the December 16, 2021 response from Appellant's counsel, five (5) images/photos were submitted that could not be opened in the format provided to FNS. The Administrative Review Officer contacted counsel via email on December 16, 2021 and January 3, 2022 requesting that these images/photos be provided in a different format that could be opened by FNS. However, to date, neither counsel nor the Appellant has responded to these requests).

ANALYSIS AND FINDINGS

SNAP Authorization

During the review period of February 2021 through July 2021, Moon Market was classified as a convenience store. When the Appellant was authorized by FNS for participation in the SNAP on April 29, 2013, the owner signed a SNAP application for the store and acknowledged he was aware of the SNAP regulations and understood those regulations. That application included a certification and confirmation that the owner would "accept responsibility on behalf of the firm for violations of the SNAP regulations, including those committed by any of the firm's employees, paid or unpaid, new, full-time or part-time." The violations listed on this certification include accepting SNAP benefits in exchange for cash, otherwise known as trafficking, and other violations such as accepting SNAP benefits as repayment on credit accounts or in exchange for ineligible items.

Store Visit Observations

The case file indicates that in reaching a disqualification determination, the Retailer Operations Division considered information obtained during a July 11, 2021 store visit conducted by a FNS contractor to observe the nature and scope of the firm's operation, stock, and facilities. This information obtained from the store visit was also used to ascertain if there were justifiable explanations for the firm's irregular SNAP transactions. The available inventory of SNAP eligible food at the time of the store visit showed food stock that would be typical of a convenience store, where households normally purchase a limited number of 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. The store visit report and photographs documented the following store size, description, and characteristics:

- Approximately 1,000 square feet in size with approximately 300 square feet of storage area outside of public view which stocked predominantly drinks and snack foods;
- Did not have storage coolers/freezers;
- No shopping carts and eight hand-held baskets available for customer use;
- One small checkout counter area with limited check-out counter space;
- One cash register and one EBT point-of-sale (POS) device for use in ringing-up SNAP transactions;
- Did not have optical scanners;
- Did not have a special pricing structure, such as prices ending in \$x.x9 or \$x.00;
- Did not round transactions up or down at the checkout counter;
- Had an ATM or money transfer service;
- No signs posted or flyers available advertising the availability of bulk foods offered at a discounted rate to include meats in bulk, foods sold by the case, and grocery package deals;

- No meat/seafood specials or bundles or fruit/vegetable boxes that might sell for high prices;
- No evidence of a wholesale business such as posted prices or separate entrances for wholesale customers;
- No orders (telephone or on-line) were taken;
- Delivery was not offered;
- Only one expensive (costing \$5.00 and above) SNAP eligible food item in stock which was Matador beef jerky at \$6.99 per 2.85 ounces (4 units in stock);
- No fresh or frozen meats, poultry, or seafood;
- No frozen foods in stock;
- Did not have a kitchen and hot foods were not sold;
- Did not have a deli area and deli meats and cheeses were not sold by the pound;
- Meat items included units of beef jerky only;
- No dairy products in stock;
- No fresh produce stock;
- Other staple foods available for purchase included such items as juice, nuts/seeds, pasta, and cereal;
- Much of the remaining food stock consisted of accessory foods such as candy, carbonated and non-carbonated drinks, condiments, snack foods, and cakes/cookies; and
- Firm stocked significant quantities of ineligible nonfood items which included health and beauty aids, paper products, household cleaning supplies, tobacco products, lottery tickets, clothing, housewares, and gift items/party goods/souvenirs.

Charge Letter Attachments

On review, the investigative materials provided by the Retailer Operations Division, including computer printouts of transaction data available from Federal records, store visit observations, information regarding area competitor firms, and household shopping patterns, were analyzed.

Government analyses of stores caught in trafficking violations during on-site investigations have found that transactions involving trafficking consistently display particular characteristics or patterns. These patterns include, in part, those cited in the letter of charges. Based on this empirical data, and in the absence of any reasonable explanations for such transaction patterns, a conclusion can be drawn through a preponderance of evidence that the most likely explanation for “unusual, irregular, and inexplicable” transactions and patterns cited in the letter of charges is trafficking. Transactions having such characteristics sometimes do have valid explanations that support that they were the result of legitimate purchases of eligible food items. This is why opportunities are afforded to charged retailers to explain the questionable transactions cited. In this case, the Retailer Operations Division determined that the Appellant’s contentions did not outweigh the evidence. The issue in this review is whether, through a preponderance of evidence, it is more likely true than not true that questionable transactions were the result of trafficking. As patterns of unusual transactions appear across multiple Attachments, the case of trafficking becomes more convincing.

Repeat Transactions by the Same Household (Charge Letter Attachment 1)

This charge letter Attachment documents 28 sets of transactions (61 total transactions) that total \$4,781.00 in SNAP benefits to meet the parameters of this scan. These transactions were conducted by 22 different households. Multiple transactions conducted by the same household account within a

short period of time is a method which violating stores use to avoid single high dollar transactions that cannot be supported by a retailer's inventory and structure.

The Appellant contends that it is the nature of convenience store customers to frequently make multiple trips to their local store within the same day. The Appellant can provide validity of these transaction with video evidence from the store's monitoring system where one can see the transactions of goods (Note: The Appellant did not provide FNS with video evidence from the store's monitoring system).

Although it is not uncommon for customers to have more than one transaction per day and there are no limits on the number of times EBT cards may be used or the amount of eligible foods that may be purchased, it is not common that such multiple transactions are for 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 the Appellant's stock and facilities and are therefore, indicative of trafficking.

Although many SNAP households do shop early in the month as opposed to later in the month, most households do not spend all or a majority of their monthly benefit allotment in just one or two days, especially from a convenience store like the Appellant firm that has a marginal food stock, no fresh produce, no fresh or frozen meats, poultry, or seafood, and no frozen food stock.

The report and photographs from the store visit offer no explanation as to why SNAP customers would routinely shop at the Appellant multiple times during a short period or purchase such a large volume of items, there being no great variety of products, price advantage, profusion of large packages, or significant bulk items or food cases for sale. The majority of the Appellant's food stock consists of packaged food items, canned items, accessory food items, snacks, and beverages. The second, third, and fourth transactions in each set are too large to consist of forgotten items.

In addition, there was a small checkout area with one cash register and one EBT POS device to ring-up food purchases. There were no shopping carts available to customers for transporting food within the store. The store visit observations also indicate that the firm offered no special or custom services to customers, such as on-line or telephone orders and/or delivery services, which would entice SNAP customers to utilize the subject store over other area authorized retail stores.

5 U.S.C. § 552 (b)(7)(E).

While the Appellant contends that the store rounds transactions up or down at the checkout counter, the store visit report, which was signed by and completed in cooperation with store personnel, states that the firm does not round transactions up or down at the checkout counter. In addition, the store visit report of August 12, 2021 (i.e., the store visit conducted to assess the store's inventory as part of the authorization of the store under new ownership), which was signed by and completed in cooperation with the store manager, also indicates that the firm does not round transactions up or down at the checkout counter.

However, a review of all SNAP purchase transactions conducted at the Appellant during the review indicates that 73% of the firm's transaction end in \$x.00. Therefore, it appears that the store does round most of its SNAP transactions up or down at the checkout counter. Regardless, the store was not charged with having an unusual number of transactions ending in a same cents value. Also,

rounding of transactions does not explain the Scan B2 or Scan F transactions conducted at the Appellant firm during the review period.

It is recognized that sometimes a firm may have unusual transaction patterns due to a recipient's lack of access to other SNAP authorized stores. However, during the review period there were 25 SNAP authorized retailers of comparable or larger size located within a 1.0 mile radius of Moon Market, including 2 small grocery stores, 3 medium grocery stores, 1 large grocery store, 3 supermarkets, and 2 super stores, that could meet the nutritional needs of SNAP customers. Some of these area authorized stores offer a comparable or greater quantity and variety of food products at comparable or better prices as compared to the subject store.

In addition, the record indicates that SNAP customers who shopped at Moon Market during the review period also shopped at other area grocery stores and, therefore, transportation to other stores is not an issue for these customers. Therefore, lack of access to other authorized stores or the availability of other food stores does not appear to be an explanation for the Appellant's abnormally high SNAP transaction amounts conducted within a short timeframe of each other.

5 U.S.C. § 552 (b)(7)(E).

Unfortunately, the Appellant has not provided any evidence to show that the transactions listed in Attachment 1 were legitimate purchases of eligible foods. The arguments presented by the Appellant hold little weight without some kind of evidence to substantiate its claims.

Excessively Large Purchase Transactions (Charge Letter Attachment 2)

This charge letter Attachment documents 332 SNAP transactions, as large as \$711.00 that total \$25,428.82. These large transaction amounts are not consistent with the store's observed characteristics and food inventory. The frequency of high dollar purchases in the review period calls into question the legitimacy of these transactions.

The Appellant contends that the ownership transfer and reconstruction is why the store's stock appeared depleted at the time of the store visit. As such, the store could not carry very many perishable items including, but not limited to milk, eggs, and bread.

The food stock and facilities of the Appellant as reported in the store visit documentation do not appear sufficient to provide for all of one's food needs. People generally do not spend large sums at such stores. They usually stop at convenience stores to pick up a few staple food items, such as bread, milk, or a can or two of food that they may consider are not worth a trip to the supermarket to purchase. The Appellant contends that the large transactions are not the result of trafficking of SNAP benefits. However, it is rare for a convenience store such as Moon Market to have purchases like those included in this Attachment to the charge letter.

At the time of the July 11, 2021 store visit, the Appellant was deficient in two (dairy products and meats, poultry, or fish) of the four staple food categories. The store visit report notes that store personnel informed the reviewer that the store was in the process of being renovated. The photos provided by the Appellant also appear to indicate that the floor was being replaced at the store. A review of the August 12, 2021 store visit observations (i.e., the store visit conducted to assess the store's inventory as part of the authorization of the store under new ownership) indicates that the

store was no longer deficient in the four staple food categories. However, both the August 12, 2021 store visit photos as well as the photos provided by the Appellant show no real or apparent difference in stock from the July 11, 2021 store visit. The August 12, 2021 store visit observations still show that the firm's food stock is typical of a convenience store, where households normally purchase a limited number of 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 and that there was little to no fresh or frozen products.

A review of the store visit report, which was completed in collaboration with and signed by the store personnel, as well as the photos indicates that Moon Market does not offer any special or custom services to customers, such as on-line or telephone orders and/or delivery services, which would entice SNAP customers to utilize the subject store over other area authorized retail stores. While the Appellant contends that the store offers international/imported grocery items to its customers which has increased business, the store visit observations and the photos submitted by the Appellant indicate that the Appellant does not offer any specialty or ethnic food items that are not available at other area authorized retail food stores. The vendor purchase invoices provided by the Appellant also do not show that the firm purchased a significant variety and amount of specialty or ethnic foods. In addition, there were only a few expensive eligible foods in stock (in limited quantities) which could account for these large amounts.

While there is no definition in the SNAP regulations for an excessively large purchase or transaction, FNS makes its determination based on the store type, characteristics and stocked inventory. The burden is on the Appellant to prove transactions FNS identified as large for the store type (in this case, a convenience store) are for legitimate purchases. According to the store visit, the subject store did not have inventory to support the numerous large transactions. The Appellant did not provide adequate evidence of continuously purchasing inventory throughout the review period to satisfy the large transactions (see Invoice Analysis section of the Final Agency Decision).

5 U.S.C. § 552 (b)(7)(E).

The Appellant contends that the store began using social media marketing which has been very successful in drawing new customers. However, no evidence was provided by the Appellant to support this contention. 5 U.S.C. § 552 (b)(7)(E).

Based on the store layout, infrastructure, and available inventory, it is not credible that the Appellant would so frequently conduct large transactions closely resembling those typically found at a supermarket or super store. It is not plausible that the firm's customers would regularly carry very large amounts of merchandise around the store without the benefit of shopping carts, especially since larger, better-stocked stores are readily available and in the vicinity of the Appellant firm. The Appellant is not set up to process high-dollar transactions, as indicated by its lack of equipment to facilitate large transactions and limited counter space. There are no legitimate bases for SNAP customers' unusual attraction to the firm such as a superior selection of staple foods, price advantages, package specials, bulk or promotional items, an extensive variety of otherwise unavailable ethnic food items, or special services rendered. The Appellant failed to provide convincing evidence to establish the legitimacy of these excessively large transactions, such as itemized cash register receipts. Based on all of these factors discussed in this section, the large volume of transactions for high-dollar amounts is unlikely to indicate a pattern of legitimate food purchases.

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.

Invoice Analysis

The Appellant contends that the submitted inventory invoices substantiate the firm's inventory and demonstrate that there was adequate eligible food items to account for the transactions during the review period.

The invoices supplied by the retailer (319 pages) were analyzed and totaled. Invoices that were dated outside of the review period were not included in the analysis. Approximately 100 invoices were clearly marked as purchases for the owner's other SNAP authorized location at a different address that has a similar name as the Appellant (i.e., 5 U.S.C. § 552 (b)(6) & (b)(7)(C)). These invoices were also not included in the analysis.

5 U.S.C. § 552 (b)(6) & (b)(7)(C). In sum, the invoices do not explain the questionable transactions at the Appellant.

No Prior Violations

The Appellant contends that the store has been in business for years and has not been cited for SNAP violations. 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.

CIVIL MONEY PENALTY

As previously indicated, the November 29, 2021 determination letter advised the Appellant of the ineligibility for consideration for a trafficking civil money penalty according to the terms of Section 278.6(i) of the SNAP regulations. The letter of charges dated September 13, 2021 advised the Appellant that documentation of eligibility for that alternative sanction was to be provided within 10 days. The regulations specify that such documentation must, in part, establish that there was an effective compliance policy and training program and that both were in effect and implemented prior to the occurrence of violations. The letter indicates that no information was provided by the Appellant for consideration; therefore, on review the Retailer Operations Division's determination that the Appellant firm is ineligible for the imposition of civil money penalties in lieu of disqualification is affirmed.

CONCLUSION

The Retailer Operations Division's analysis of the Appellant's EBT transaction record, upon which charges of violations are based, together with observations made during the store visit and an analysis of customer shopping behaviors, provide substantial evidence that questionable transactions during the focus period have characteristics and display patterns that are not consistent with legitimate sales of eligible food to SNAP benefit customers at a store of this type, size and makeup. Rather, the characteristics are indicative of illegal trafficking in program benefits. The Appellant's contentions do not outweigh this evidence.

The record has yielded no indication of error or discrepancy in the reported findings by the Retailer Operations Division that program benefits were accepted in exchange for cash or consideration other than eligible food. Therefore, based on a review of the evidence in this case, it is more likely true than not true that program violations did, in fact, occur as charged. Therefore, the decision to impose a permanent disqualification from participation in the SNAP against Moon Market is sustained.

RIGHTS AND REMEDIES

Your attention is called to Section 14 of the Food and Nutrition Act of 2008 (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

February 7, 2022