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

Philly Boys Market & Deli 2, **Appellant,** **v.** **Retailer Operations Division,** **Respondent.**	**Case Number: C0222219**

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 Philly Boys Market & Deli 2 ("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 Philly Boys Market & Deli 2.

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 CHRONOLOGY

Philly Boys Market & Deli 2 was initially authorized to participate in SNAP on September 2, 2015. In a letter dated November 7, 2019, the Retailer Operations Division charged Appellant with trafficking, as defined in Section 271.2 of SNAP regulations, based on a series of irregular SNAP transaction patterns that occurred between the months of March 2019 and September 2019 and information obtained during a visit to the store by an FNS contractor on July 26, 2019. 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 by 7 CFR § 278.6(e)(1). The letter also stated that Appellant may request a civil money penalty 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).

In response to the charge letter, on November 11, 2019, Appellant, through counsel, requested documents under the Freedom of Information Act (FOIA). The FOIA Office responded to Appellant's FOIA request on December 17, 2019. Counsel then appealed the FNS FOIA response by letter dated March 12, 2020. The FOIA office issued its response to the FOIA appeal on April 29, 2020. Appellant responded to the trafficking charges, through an attorney, in a letter dated May 29, 2021. Appellant denied trafficking and explained that the transactions were normal based on the unique circumstances of the store. Appellant also requested a civil money penalty in lieu of disqualification.

After considering Appellant's reply and evidence, the Retailer Operations Division concluded that trafficking had occurred as charged and issued a determination letter dated September 14, 2021. 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 civil money penalty in accordance with paragraph § 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 letter dated September 21, 2021, Appellant, through counsel, appealed the Retailer Operations Division's determination by requesting an administrative review. The request was granted.

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 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 § 274.7(b) states, in part:

> Program benefits shall not be used to pay for any eligible food purchased prior to the time at which an EBT card is presented to authorized retailers or meal services. Neither shall benefits be used to pay for any eligible food in advance of the receipt of food, except when prior payment is for food purchased from a nonprofit cooperative food purchasing venture.

7 CFR § 278.1(b)(1)(iv) states, in part:

> Ineligible firms under this paragraph include, but are not limited to, stores selling only accessory foods, including spices, candy, soft drinks, tea, or coffee; ice cream vendors selling solely ice cream; and specialty doughnut shops or bakeries not selling bread. **In addition, firms that are considered to be restaurants, that is, firms that have more than 50 percent of their total gross retail sales in hot and/or cold prepared foods not intended for home preparation and consumption, shall not qualify for participation as retail food stores under Criterion A or B. This includes firms that primarily sell prepared foods that are consumed on the premises or sold for carryout**. [Emphasis added.]

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(e) states, in part:

Food retailers may not accept [SNAP benefits] before delivering the food....

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

Philly Boys Market & Deli 2 was charged 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 March 2019 through September 2019. The attachments enclosed with the charge letter reflected the following transaction patterns, which commonly indicate trafficking:

- **Charge Letter Attachment 1:** Multiple transactions were made from the accounts of individual SNAP households within a set time period.
- **Charge Letter Attachment 2:** Transactions are large based on observed store characteristics and recorded food stock.

APPELLANT'S CONTENTIONS

Appellant, through counsel, made the following summarized contentions as part of its request for administrative review, in relevant part:

- The firm heavily stocks fresh produce and fresh unprocessed meats and high quality food not available from the nearest competitors.
- Purchase receipts reflect that the amount of product purchased as inventory is commensurate with the amount of product being sold from the store's shelves.
- The firm attracts people with its prepared food options who pick up ancillary items along with their orders.
- Due to the COVID-19 pandemic, customers began shopping in even larger transactions because their children were home from school and out of fear of food shortages occurring.
- In Charge Letter Attachment 1, there are three households flagged for having "repetitive transactions." Nearly all these transactions take place more than 24 hours apart.
- In both Charge Letter Attachments 1 and 2, there is no information as to the size of the household, which would provide clarity into whether a larger than average household required substantially more food for any given time of day.
- The Case Analysis Document's Store Comparison provides that "there are 14 comparable or better traditional retailers authorized." "Better traditional retailers" is not defined and these stores are several miles away from the firm.
- USDA made one store visit during the investigation period and did not observe the store's customer traffic, nor did the survey discuss customer traffic volume, which is invaluable to justifying the firm's SNAP transactions.
- Because of high-priced items (shrimp, lobster, crab and mussels) available for purchase at the firm, it is likely the SNAP redemption patterns are legitimate.

- Large transactions are additionally attributable to customers calling in orders. There are short time frames between transactions thanks to the firm's six phone lines used to accommodate the traffic.
- The firm advertises specials for $49.95, $55.99, and $36.95. The $49.95 special includes two extra large pizzas, 20 buffalo wings, two Philly cheesesteaks, French fries, onion rings, and a 2-liter soda. All eligible food items purchased with EBT cards are sold cold.
- A clerk cannot know if the same card is used multiple times a day. It is not the firm's responsibility to regulate how often or where individuals with EBT cards eat.
- The store is in a neighborhood where everyone walks due to limited access to transportation. Free delivery for orders over $40 incentivizes people to order a minimum of $40 of food, hence the large transactions.
- Orders placed over the phone are done manually and they may call back to order more food if they forgot to order it during the initial call. There are often customers on the phone and customers at the register line, which is also why transactions occur quickly.

In support of these contentions, the Appellant submitted the following documents:

- Copy of the November 7, 2019 charge letter and attachments.
- Copy of the September 14, 2021 determination letter.
- Statement of representation signed by Mahmoud Abdel-Rahman.
- Affidavit of Mahmoud Abdel-Rahman.
- Retailer Operations Division's Case Analysis Document.
- Inventory Purchase History for January 1, 2020 through May 3, 2021.
- A purchase invoice dated May 1, 2021 for menus.
- Nine pages of signatures from community members attesting to the extreme hardship a permanent disqualification would cause for the community.

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

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 EBT data and information obtained during a store visit. 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. 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 November 7, 2019, charge letter were indicative of trafficking. As described below, Appellant has not provided 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. The Retailer Operation's Division's decision not to impose a trafficking civil money penalty is also sustained as Appellant did not make a timely request.

Store Visit Report

The case file indicates that in reaching a disqualification determination, the Retailer Operations Division considered not only the Appellant firm's EBT transactions, but also information obtained from a store visit conducted by an FNS contractor on July 26, 2019, 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 the following store size, description, and characteristics:

- The firm is a small grocery store, with staple and accessory foods displayed in an area approximately 1,200 square feet in size, with about 100 square feet of storage outside of public view. The store has storage coolers and freezers.
- The store also operates as a neighborhood deli/grill selling hot prepared food.
- The firm has no shopping carts or shopping baskets for customers to use.
- There is one cash register for food purchases and one EBT point-of-sale device.
- The firm does not use optical scanners to process transactions.
- The checkout area consists of a small shelf for a counter space where items can be placed for purchase.
- The store's staple food stock meets SNAP program eligibility requirements and consists of inexpensive eligible food items as well as limited fresh produce and unprocessed meats (some fresh chicken and frozen seafood). The store does not sell specialty items such as bundles of meat or seafood or large boxes of fruit and vegetables.
- Hot prepared foods sold include pizza, buffalo wings, French fries, and cooked seafood with sides such as vegetables, bread, or potatoes.
- SNAP-eligible, non-staple, accessory food items available at the store include condiments and sodas.
- The store has a large kitchen area and a deli or prepared food section.
- There is no indication from the store visit report that the firm has a special pricing structure, except that most prices appear to end in 9, such as $0.99, $1.99, etc.
- Store personnel confirmed that the store does not round prices at checkout.
- There was a small storage area of approximately 100 square feet storing staple food, non-staple food and non-food out of public view. Store personnel confirmed that no food was stored offsite.
- The store takes telephone orders and offers delivery.
- The most expensive food items for sale at the store include one pound of crab legs for $25.99, two pounds of shrimp for $25.95, five pounds of lobster for $25.00, and two pounds of mussels for $19.99. Limited units of most of these items were recorded as available for sale.

The available inventory of SNAP-eligible food at the time of the store visit showed limited SNAP eligible food stock, much of which was commingled with items used for the store's prepared food sales. For example, the five most expensive items listed on the store visit report (crab legs, shrimp, lobster, and mussels) are items listed on the store's cooked food menu sold steamed.

SNAP Transaction Analysis

Government analyses has found that transactions involving trafficking consistently display particular characteristics or patterns. The charge letter included attachments that showed these questionable and unusual patterns of SNAP transactions indicative of trafficking.

Charge Letter Attachment 1: Multiple transactions were made from the accounts of individual SNAP households within a set time period. This attachment lists 40 sets of transactions (89 transactions in all) 5 U.S.C. § 552 (b)(6) & (b)(7)(C).

Violating stores often conduct multiple transactions from the same household 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. Of note, 77 of the 89 transactions were manually entered, meaning that instead of swiping a physically present card, a store clerk manually keyed the EBT card information into an EBT point-of-sale device. Also, the store's total dollar volume for the review period was quite high, at 5 U.S.C. § 552 (b)(6) & (b)(7)(C), 5 U.S.C. § 552 (b)(7)(E).

The store's SNAP eligible food inventory appears to be largely commingled with items used in the store's prepared food operations. In particular, both fresh vegetables and unprocessed meats do not appear to be stored separately for consumer purchase as opposed to use in prepared foods. Additionally, prepared foods appear to a substantial part of the business. Store visit photos show an extensive hot foods printed menu, and a big kitchen area with a large four door pizza oven and three commercial deep fryers. While Appellant undoubtedly sells some SNAP eligible foods, ineligible prepared foods appear to be a substantial part of the business as any separate SNAP eligible inventory appears to be quite limited for a store categorized as a small grocery store. The SNAP eligible inventory does not appear to support the large dollar volume of SNAP EBT sales Appellant has conducted, nor the large transaction amounts occurring frequently at the store. Although the store has some expensive frozen seafood items, there were limited quantities of most of these items during the store visit: 1 unit of lobster, 2 units of shrimp, and 3 units of mussels. The store only had crab legs in higher quantity (10+ units). Additionally, the store is not set up to process large SNAP eligible food transactions given the absence of shopping carts and baskets, and the constricted checkout area with little counter space to place more than a few items at a time.

In fact, given the store visit photographs showing a hot food menu, significant cooking equipment, and cold prepared foods in refrigerators, the store may in fact be considered a restaurant, and therefore ineligible for SNAP authorization under 7 CFR §278.1(b)(1)(iv), which states, in part:

> <u>Ineligible firms.</u> Firms that do not meet the eligibility requirements in this section or that do not effectuate the purpose of the Food Stamp Program shall not be eligible for program participation... firms that are considered to be restaurants, that is, **firms that have more than 50 percent of their total gross retail sales in hot and/or cold prepared foods not intended for home preparation and consumption, shall not qualify for participation as retail food stores ... This includes firms that primarily sell prepared foods that are consumed on the premises or sold for carryout.** [Emphasis added.]

Nevertheless, the current charges are based on irregular transactions that are indicative of trafficking in SNAP benefits and the purpose of this review is to determine whether a preponderance of the evidence indicates that trafficking is the most likely explanation for these transaction patterns.

Appellant contends that repeat transactions occur in some instances because the firm is in a neighborhood where everyone walks due to the cost and inconvenience of transportation. The store offers free delivery for orders over $40, which incentivizes people to order at least $40 of food and given that these orders are placed over the phone, they are done manually. Appellant gives an example of advertised “EVERYDAY FAMILY SPECIALS” for $36.95, $49.95, or $55.99. The $49.95 special includes two extra large pizzas, 20 buffalo wings, two Philly cheesesteaks, French fries, onion rings, and a 2-liter soda. Appellant says people order these specials or other menu item plus grocery items to get free delivery and that all eligible food items purchased with EBT cards are sold cold.

Interestingly, Appellant’s defense is an admission of several other problematic behaviors regarding its SNAP authorization. For example, Appellant admits to entering keyed transactions without the EBT card being present. Appellant also admits to accepting payment prior to the SNAP household receiving the food, in violation of 7 CFR § 274.7(b) and 7 CFR § 278.2(e).

Further, Appellant seems to imply that the store sells cold prepared foods, such as pizzas and wings, for SNAP benefits so that households can meet the $40 delivery minimum, despite the fact they are ineligible for purchase with SNAP benefits per 7 CFR § 278.1(b)(1)(iv). Alternatively, if Appellant is instead claiming that no prepared foods (hot or cold) were sold for SNAP benefits, then households would not have had to purchase prepared foods to meet the delivery minimum of $40 5 U.S.C. § 552 (b)(6) & (b)(7)(C).

Regardless, Appellant has not provided sufficient or contemporaneous evidence to support its contentions, such as customer purchase receipts or cash register reports, to show that more costly prepared foods and/or SNAP eligible foods were sold for SNAP benefits in these large transaction amounts during the review period. Appellant has not submitted advertisements or menus showing the $49.95 special being sold cold for SNAP benefits. Appellant has submitted an invoice for printing of menus dated outside the review period, but no copy of a menu showing that cold prepared items were sold at any point, much less during the review period. The only menu in the record is the one photographed during the store visit, which shows hot pizzas, steamed seafood, and other cooked food items for sale and lists prices for these items. The menu broadly says that groceries, fresh products, fresh chicken, fresh slice deli, and seafood are sold but does not list these items with prices and there is no mention of cold prepared menu items for sale. The store visit photos and report do not contain evidence of cold prepared pizzas or wings for sale, such as posted pricing or menus. Accordingly, Appellant has failed to prove that the questionable transactions are for purchases of eligible, or even ineligible, foods.

Given that Appellant relies on anecdotal explanations with little credible corroborating evidence to prove that the multiple transactions were legitimate purchases of eligible food, this review concludes that trafficking was a likely cause of the transaction patterns listed in Charge Letter Attachment 1.

Charge Letter Attachment 2: Transactions are large based on observed store characteristics and recorded food stock. This attachment lists 781 large purchase SNAP transactions 5 U.S.C. § 552 (b)(6) & (b)(7)(C). 670 of these transactions were manually entered into an EBT point-of-sale device. 5 U.S.C. § 552 (b)(6) & (b)(7)(C), 5 U.S.C. § 552 (b)(7)(E).

Appellant contends that the firm heavily stocks fresh produce and fresh unprocessed meats and that the inventory purchase history submitted reflects large product purchases that correlate to large SNAP eligible food sales. However, the inventory purchase history is dated January 1, 2020 through May 3, 2020, and therefore does not reflect inventory during the review period of March 2019 through September 2019. Additionally, this purchase history listing does not identify the products purchased, much less if they are SNAP eligible items. As noted above, Appellant appears to comingle its grocery inventory with its prepared foods inventory. This invoice likewise does not distinguish the items purchased as being for grocery sales as opposed to prepared foods sales.

In Charge Letter Attachment 2, 5 U.S.C. § 552 (b)(7)(E). Accordingly, customers rarely would need to couple SNAP eligible purchases with prepared foods purchases to meet the delivery minimum. Again, Appellant has offered no creditable corroborating evidence to show that these transactions are purchases of prepared foods and/or SNAP eligible foods.

Appellant claims the store is in a neighborhood where everyone walks due to limited access to transportation. The Retailer Operations Division conducted a household analysis to determine if households making large SNAP benefit transactions at Appellant had access to larger grocery stores, supermarkets and superstores, which likely have better prices and are better stocked due to the volume of customers served. The first household examined shopped at superstores and supermarkets regularly during the review period, often on the same day or within a day of shopping at Appellant. 5 U.S.C. § 552 (b)(7)(E). The household analysis demonstrates that even though households had access to and shopped at larger supermarkets and superstores, they sometimes made larger purchases using SNAP benefits at Appellant, a small grocery store with far less SNAP-eligible inventory and likely higher prices. There is no evidence in the record to indicate why the store's customers would choose to do this.

To note, Appellant submitted as evidence a statement by the store's owner denying trafficking and nine pages of signatures from community members attesting to the extreme hardship a permanent disqualification of the store would cause for the community. These statements are of little evidentiary value and are not corroborated by the evidence in this case.

Because Appellant failed to provide credible and convincing evidence to establish the legitimacy of these excessively large transactions, this review concludes that trafficking was a likely cause of the transaction patterns listed in Charge Letter Attachment 2.

Summary

The transactions listed in the attachments to the charge letter contain irregular patterns of SNAP transactions. An analysis of this data, together with the store visit report and photos, indicates trafficking as a likely cause of the irregular transaction patterns.

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 convincing evidence that the "unusual, irregular, and inexplicable" transactions and patterns cited in the charge letter were not caused by trafficking. 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 and the decision to impose a permanent disqualification against Philly Boys Market and Deli 2 is sustained.

CIVIL MONEY PENALTY

In the charge letter, the Retailer Operations Division informed Appellant of its right to request a trafficking civil money penalty in lieu of permanent disqualification under 7 CFR §278.6(i). The letter informed Appellant that it would need to both make the request and provide supporting evidence within 10 calendar days of receiving the charge letter and that no extension of time could be granted for making the request or for providing the required evidence. Any evidence submitted by Appellant would have to meet the regulatory criteria for a trafficking civil money penalty, as provided in 7 CFR §278.6(i).

Appellant did not request consideration for a trafficking civil money penalty, nor has Appellant submitted evidence that meets the regulatory criteria for the civil money penalty. Therefore, the Retailer Operations Division's determination that Appellant is ineligible for a trafficking civil money penalty in lieu of disqualification is sustained as appropriate pursuant to 7 CFR §278.6(i).

CONCLUSION

The Retailer Operations Division's analysis of the EBT transaction record for Philly Boys Market & Deli 2 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 supported 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 Philly Boys Market & Deli 2, under the ownership of Mahmoud Abdel-rahman, is sustained. Likewise, the Retailer Operations Division's determination that Appellant is ineligible for a trafficking civil money penalty 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 November 24, 2021
ADMINISTRATIVE REVIEW OFFICER