

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

Shop-n-Save,

Appellant,

v.

Retailer Operations Division,

Respondent.

Case Number: C0241611

FINAL AGENCY DECISION

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

ISSUE

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

AUTHORITY

7 U.S.C. § 2023 and its implementing regulations at 7 CFR § 279.1 provide that “[A] food retailer or wholesale food concern aggrieved by administrative action under § 278.1, § 278.6 or § 278.7 . . . may file a written request for review of the administrative action with FNS.

CASE CHRONOLOGY

The Department of Agriculture conducted an investigation of the compliance of Shop-n-Save with Federal SNAP law and regulations during the period March 25, 2021 through April 11, 2021. In a letter dated June 11, 2021, the Retailer Operations Division charged the Appellant with accepting SNAP benefits in exchange for merchandise which included ineligible nonfood items in violation of 7 CFR § 278.2(a). These SNAP violations occurred on six out of seven compliance visits. The letter further informed the Appellant that the violations warranted a disqualification period of six months as provided in 7 CFR § 278.6(e)(5). The letter also stated

that under certain conditions, FNS may impose a hardship civil money penalty (CMP) in lieu of a disqualification as provided in 7 CFR § 278.6(f)(1).

The charge letter noted that per SNAP regulations Section 278.6(b), the Appellant has the right to present any information, explanation or evidence regarding the charges and must reply within 10 calendar days of the date of receipt of the charge letter. Per UPS confirmation of delivery, the charge letter was delivered to the Appellant at the store address of record on June 14, 2021.

The record indicates that via letter dated June 22, 2021, the Appellant's counsel requested an extension in time for providing a response to the letter of charges. By letter dated June 23, 2021, the Retailer Operations Division granted counsel's time extension request to July 23, 2021.

In responses to the Retailer Operations Division of June 22, 2021, June 23, 2021, July 23, 2021, and July 26, 2021, the Appellant, through counsel, 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 giving consideration to the Appellant's responses and the evidence of this case, the Retailer Operations Division issued a determination letter dated August 9, 2021. The determination letter informed the Appellant that the firm was disqualified from the SNAP for a period of six months in accordance with 7 CFR § 278.6(a) and (e). The determination letter also stated that the Retailer Operations Division considered the Appellant's eligibility for a hardship civil money penalty under 7 CFR § 278.6(f)(1). The Retailer Operations Division determined that the Appellant was not eligible for the hardship CMP in lieu of the six month disqualification because there were other authorized retail stores in the area selling as large a variety of staple foods at comparable prices.

In a letter postmarked August 23, 2021, the Appellant, through counsel, appealed the Retailer Operations Division's assessment and requested an administrative review of this action. FNS granted the Appellant's request for administrative review by letter dated September 8, 2021. Upon acceptance of the administrative review request, implementation of the six month disqualification was held in abeyance pending completion of this review. In a written correspondence of September 29, 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, might accept as sufficient to support a conclusion that the matter asserted is more likely to be true than not true.

CONTROLLING LAW AND REGULATIONS

The controlling statute in this matter is contained in the Food and Nutrition Act of 2008, as amended, 7 U.S.C. § 2021, and promulgated through regulations under Title 7 CFR Part 278. In particular, 7 CFR § 278.6(a) and (e) establish the authority upon which a disqualification may be imposed against a retail food store or wholesale food concern.

7 CFR § 278.2(a) states, inter alia:

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

7 CFR § 271.2 states, inter alia:

Eligible foods means: Any food or food product intended for human consumption except alcoholic beverages, tobacco and hot food and hot food products prepared for immediate consumption.

7 CFR § 278.6(a) states, inter alia:

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

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

Disqualify the firm for 6 months if it is to be the first sanction for the firm and the evidence shows that personnel of the firm have committed violations such as, but not limited to, the sale of common nonfood items due to carelessness or poor supervision by the firm's ownership or management.

7 CFR § 278.6(f)(1) states, inter alia:

FNS may impose a civil money penalty as a sanction in lieu of disqualification when . . . the firm's disqualification would cause hardship to Food Stamp [SNAP] households because there is no other authorized retail food store in the area selling as large a variety of staple food items at comparable prices.

SUMMARY OF THE CHARGES

During an investigation conducted from March 25, 2021 through April 11, 2021, USDA conducted seven compliance visits at Shop-n-Save. A report of the investigation was provided to the Appellant as an attachment to the charge letter dated June 11, 2021. The investigation report included Exhibits A through G which provide full details on the results of each compliance visit. The investigation report documents that SNAP violations were recorded during six of the seven

compliance visits and involved the sale of a variety of items best described in regulatory terms as “common nonfood items” and a “major ineligible item”. The misuse of SNAP benefits noted in Exhibits A, B, C, D, F, and G warrant a disqualification as a SNAP retail food store for a period of six months. The exchange of these ineligible items for SNAP benefits is in violation of 7 CFR § 278.2(a).

APPELLANT’S CONTENTIONS

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

In the 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 denies any violations of the SNAP regulations which would warrant a six month disqualification.
- The pertinent burden of proof at this stage of the SNAP retailer disqualification process is the “preponderance of the evidence” standard. See *L&M Grocery Market, Inc. v. Retailer Operations and Compliance*.
- The Department bears the burden of proof, not the retailer at this stage of the proceedings. See *Primo Meat Market vs. Retailer Operations Division*.
- Store employees have been trained by the owner in how to process EBT transactions. In accordance with USDA’s training guidelines, each clerk is taught which items are SNAP eligible and which are not. They are instructed to separate transactions into two piles (eligible and ineligible items) when a customer indicates he/she would like to utilize their EBT card. The initial training of employees occurs within 30 days of their hiring and periodic re-trainings are also conducted when the regulations change and generally on an ad hoc basis. The owner regularly checks in with employees, watches transactions and reminds them of the rules.
- FNS should not merely accept the allegations of a contracted investigator as patently true. Contracted investigators are less reliable than the previous RIB investigators. The contracted investigator has every reason to make allegations against stores in an attempt to further a disqualification.
- The transaction description in the investigation reports lack meaningful and specific detail.
- In addition, items that appear in the investigator’s pictures should also appear in the store visit report, especially if the store visit occurred within a matter of months from the investigation. Furthermore, the item pricing (in the event it is not identified by the receipt) should be consistent with the pricing shown in the store visit report assuming there is one. In the event the pricing is not consistent between the transaction report and the store visit report, and the receipt does not indicate such pricing information, the transaction report should be disregarded. It is FNS’ burden of proof and where there is

an inconsistency with the information received by the investigator, it should be disregarded if it cannot be reconciled.

- The evidence presently before USDA is unsworn to by the investigator and contains no corroborating evidence.
- The clerks' descriptions belie the notion that the store intended to violate the regulations. Misunderstandings, confusion, and slight of hand by an investigator is different than intentionally violating, which is an important component of the considerations under 7 CFR § 278.6.
- The clerk in Exhibit E refused to sell ineligible items with SNAP benefits and the clerks in Exhibits D and G refused to exchange SNAP benefits for cash.
- There is no evidence whatsoever in the record that the alleged sales of common nonfood items was due to carelessness or poor supervision by the store's ownership or management.
- The violations are too limited to warrant a disqualification. A warning letter should be issued in lieu of SNAP disqualification. This matter should be afforded the same standards set out in *Primo Meat Market vs. Retailer Operations Division* as a determination under similar circumstances which is different would be described as arbitrary and capricious and furthermore, without sufficient evidentiary support. The Appellant also cited *Dale v. Selby Superette & Deli v. U.S. Dep't of Agric.*, *Kim v. United States*, *Vasudeva v. United States*, *Dale & Selby Superette & Deli v. U.S. Dep't of Agric.*, and *Wolf v. United States* in support thereof.
- This business has never had a compliance problem with SNAP in the past.
- The owner was not given any prior notice by FNS that violations were occurring.
- The investigator's affidavit is "hearsay" by definition, an out of court statement offered to prove the truth of the matter asserted. *Fed.R.Evid.* 801(c). Pursuant to the Administrative Procedures Act, hearsay evidence may be used in an administrative proceeding if found to be "reliable and credible". (*J.A.M. Builders, Inc. v. Herman*; See also *Veg-Mix Inc. v. U.S. Dep't of Agric.* (stating that agencies are entitled to weigh the hearsay evidence according to its "truthfulness, reasonableness, and credibility.") (citations omitted).
- As such, the admission of the hearsay evidence at issue herein (i.e., the investigator's affidavit) is dependent on: "(1) whether the hearsay declarant was interested or biased; (2) whether the party opposing the hearsay had access to the information containing the hearsay and could have subpoenaed the declarant; (3) whether the information is inconsistent on its face; and (4) whether courts have recognized the information as inherently reliable. *Nationwide Jewelry & Pawn, Inc. v. United States* citing *J.A.M. Builders*. Additionally, hearsay evidence may be admissible where it is corroborated. *Glaros. V. Immigration & Naturalization Serv.* (finding that the letters were admissible hearsay as they were corroborated by the court record).
- Here, there can be no reasonable opportunity for the owner to subpoena or otherwise depose the witness because USDA redacted all of that information prior to sending the charge letter, and as a result of the owner's inability to subpoena said witness, it is impossible to determine the witness's veracity or whether or not a statement is biased.
- Not holding the determinations in abeyance while a FOIA response is pending violates 7 CFR § 278.6(b)(1) according to *Triple E Express vs. ROD*, because the Appellant is not given a full opportunity to respond.

- According to USDA's *Profile of SNAP Households* for the 22nd Congressional District of California (where the Appellant is located), approximately 14% of the households receive SNAP benefits. The store is in an economically depressed area, surrounded by poverty and many low-income families.
- The Appellant requests the imposition of a hardship civil money as a SNAP disqualification would impose hardship to customers especially during the pandemic. The store is in an area with comparatively low numbers of large SNAP retailers, and a higher volume of SNAP participants. The other stores in the area are either priced higher or have less food. In the era of COVID, many customers are having trouble traveling to larger stores, either for their own health and safety, or because they are prohibited from doing so.
- In determining eligibility for a hardship civil money penalty, FNS has included the "area" issue because it would be logical to address to proximity of stores to SNAP households, as creating a material inconvenience in food sourcing for the participants would defeat the purpose of the program. The "area" determination is vague, maybe intentionally so. Local circumstances which bear on the issue of convenience and accessibility should be weighted more significantly than a wrote mile-determination. The Appellant cited the following studies in support thereof: Alison Gustafson, *Shopping Pattern and Food Purchase Differences Among SNAP Households and Non-SNAP Households in the United States*, 7 *Dietetics & Human Nutrition Faculty Publications* 152, 152; and Jerry Shannon, *What Does SNAP Benefit Usage Tell Us About Food Access in Low-Income Neighborhoods*, 107 *Social Science & Medicine* 89, 89.
- According to the USDA's September 2020 study, *Benefit Redemption Patterns in the SNAP in Fiscal 2017*, different communities rely upon different store types at varying rates. The shopping differences, however, show the impact of a small store's disqualification is disproportionately felt throughout different racial and cultural groups. The Appellant services a much higher Hispanic population than the average SNAP retailer to whom their transactions are compared.

In support of these contentions, the Appellant, through counsel, submitted for review *Profile of SNAP Households in 2018*, California Congressional District 22, USDA FNS.

ANALYSIS AND FINDINGS

SNAP Violations

This review is to either validate or to invalidate the determination made by the Retailer Operations Division; it is limited to the facts at the basis of the Retailer Operations Division's determination at the time it was made.

When store ownership signed the certification page of the SNAP retailer authorization application to become a SNAP retailer, it confirmed it understood and agreed to abide by program rules and regulatory provisions. It also agreed to accept responsibility on behalf of the firm for SNAP violations including those committed by any of the firm's employees, paid or unpaid, new, full-time or part-time. The certification is clear that store ownership understood by

signing the document that violations of program rules can result in administrative actions such as fines, sanctions, withdrawal, or disqualification from the SNAP.

Regardless of who the store owner utilizes to handle store business, ownership is accountable for the proper handling of SNAP benefit transactions. The regulations establish that an authorized food store may be disqualified from participating in the program when the store fails to comply with the Act or regulations because of the wrongful conduct of an owner, manager, or someone acting on their behalf. The acceptance of SNAP benefits for ineligible items is a violation of SNAP rules and regulations.

The Appellant contends that it denies any violations of the SNAP regulations which would warrant a six month disqualification. The Department bears the burden of proof, not the retailer at this stage of the proceedings. FNS should not merely accept the allegations of a contracted investigator as patently true. The transaction description in the investigation reports lack meaningful and specific detail. The evidence presently before USDA is unsworn to by the investigator and contains no corroborating evidence. The clerks' descriptions belay the notion that the stores intended to violate the regulations.

The charges of violations are based on the findings of a formal USDA investigation conducted of the compliance of Shop-n-Save with Federal SNAP law and regulations during the period March 25, 2021 through April 11, 2021. Investigators are trained thoroughly before entering any retail establishment and all protocols, including but not limited to what can and cannot be said. Investigators sign, under penalty of perjury, that investigative reports are true and correct. The investigators in these cases are licensed by the states and on top of being prosecuted for perjury, can lose their jobs and their licenses giving them no incentive to fabricate the information contained in the Reports of Investigation.

All transactions are fully documented and a complete review of this documentation has yielded no known error or discrepancy in the reported findings. The investigation report is specific and thorough with regard to the dates of the violations, the specific facts related thereto, and is supported by documentation that confirms specific details of the transactions. The investigation report documents by a preponderance of the evidence that the store employees accepted SNAP benefits in exchange for merchandise which included ineligible nonfood items in violation of 7 CFR § 278.2(a). These SNAP violations occurred on six out of seven compliance visits. The owner submitted no evidence to support that the transactions did not occur at the Appellant.

The documentation on record includes EBT receipts and photos showing that 21 ineligible nonfood items and 27 eligible food items were purchased with SNAP benefits by the investigator. Also on record is documentation that confirms that the ineligible nonfood items and the eligible food items previously noted were donated to and signed for by a charitable organization following the transaction. Such documentation includes the signature and title of the official of the charitable organization accepting the donated item, the name and address of the organization, the date the donation was made, and the official's initials next to the items donated. Moreover, the total purchase costs of each of the transactions involved in the investigation is documented on SNAP terminal receipts obtained during each transaction and matches the reported purchase totals indicated in the investigation report.

The Appellant is correct in that the clerk in Exhibit E refused to sell ineligible items with SNAP benefits and the clerks in Exhibits D and G refused to exchange SNAP benefits for cash. However, the FNS investigative report shows that two male employees working at the Appellant firm accepted SNAP benefits for ineligible nonfood items on six separate occasions during the investigative period indicating an ongoing pattern of SNAP violations as defined by Section 271.2 of the SNAP regulations. The investigation report documents by a preponderance of the evidence that the store employees engaged in the misuse of SNAP benefits noted in Exhibits A, B, C, D, F, and G, warranting a disqualification as a SNAP retail food store for a period of six months.

SNAP benefits, in general, are only authorized to be used for the purchase of foods for the household to eat as well as seeds and plants which produce food for the household to eat. The common nonfood items purchased are clearly not edible foods and are not plants or seeds, so one has to question the level of training the employee received by store ownership and/or management. The basic concept of “if you can’t eat it, you can’t buy it using SNAP” is not a difficult one for employees to grasp, yet the employees allowed the purchase of ineligible items using SNAP benefits on multiple occasions. The ineligible items sold were obvious nonfood items and would not readily be confused with eligible edible food items.

The Appellant contends that the violations were minor in nature and too limited to warrant a disqualification. Therefore, a warning letter should be issued in lieu of SNAP disqualification. However, neither the Food and Nutrition Act of 2008, as amended, nor the regulations issued pursuant thereto cite any minimum dollar amount of SNAP benefits for transactions involving the sale of ineligible items to be defined as violative. No mention of minimum cost or types of ineligibles is cited in Section 278.6(e)(5) of the SNAP regulations, which states that FNS shall disqualify a store for six months if it is to be the first sanction for the firm and the evidence shows that personnel of the firm have committed violations such as, but not limited to, the sale of common nonfood items in exchange for SNAP benefits due to carelessness by store employees or poor supervision by the firm’s ownership or management.

The Appellant contends that there is no evidence showing that the alleged sales of common nonfood items was due to carelessness or poor supervision by the store’s ownership or management. In addition, store employees have been trained by the owners in how to process EBT transactions. However, had an effective compliance policy and program been in effect at the firm, it is unlikely that the employees would have made such obvious mistakes. The more likely explanation is that store ownership and/or management failed to properly train and subsequently supervise the employees. Additionally, had store ownership and/or management been supervising the employees through occasionally monitoring them using videotape, if available, or in person, it would have readily noticed that they were allowing the sale of ineligible nonfood items in exchange for SNAP benefits.

It also would have been immediately evident to store ownership and/or management that the employees were deficient in their knowledge of SNAP rules and regulations had it periodically spot checked the employees’ knowledge and abilities by asking questions about SNAP eligible/ineligible items. Either of these basic supervisory techniques would have provided a no

cost method for store ownership and/or management to ensure that store employees were not putting the firm's SNAP authorization at risk.

These are clear signs of poor or no supervision by store ownership and/or management. It is highly improbable, based on the willingness of the employees to exchange SNAP benefits for ineligible nonfood items, that the only instances of SNAP violations were those transactions identified as part of the FNS undercover investigation. These actions more likely than not represent an ongoing pattern of SNAP violations at the Appellant firm. Under SNAP regulations, the penalty for allowing the purchase of ineligible nonfood items using SNAP benefits as the result of poor supervision by ownership or management is a six month disqualification. The regulations do allow SNAP retailers to pay a hardship CMP, if eligible, as explained in the next section.

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

With regard to the Appellant's contentions that the owner was not given any prior notice by FNS that violations were occurring, 7 CFR § 278.6(d)(2) & (3) of the SNAP regulations provides that "The FNS office making a disqualification or penalty determination . . . shall consider . . . any prior action . . . to warn the firm about the possibility that violations are occurring . . .". The citation simply requires FNS to consider any prior warnings when determining a sanction. It does not require FNS to give such warnings. FNS did not consider prior actions to warn the Appellant about the possibility that violations were occurring because there were no prior warnings.

The Appellant's contentions with regard to hearsay are duly noted. It is important to clarify however that the rules of evidence in administrative proceedings differ from those used in judicial proceedings generally and differ specifically with regard to the admissibility of hearsay: The Administrative Procedures Act (APA) at 5 U.S.C. § 556(d) provides that *any* oral or documentary evidence may be received. It excludes only "irrelevant, immaterial, or unduly repetitious evidence," primarily for the sake of expedience. Therefore the test for admissibility under the APA is relevance; hearsay is admissible, like other evidence, if it is relevant. In the present case, the statements of the investigator regarding the violative SNAP transactions are corroborated by additional and substantial physical evidence, impart probative value and are closely connected to the issues at hand, indicating materiality. Thus, they are clearly relevant, even if they may be seen as hearsay. Nonetheless, both investigators and their cooperating informants, if relevant, are typically available to testify at trial, in which case eye-witness accounts of the events described in the report could be presented, thus precluding the presumption of hearsay.

In appeals of adverse actions, the Appellant bears the burden of proving by a preponderance of the evidence, that the administrative actions should be reversed. That means the Appellant has the burden of providing relevant evidence which a reasonable mind, considering the record as a whole, might accept as sufficient to support a conclusion that the matter asserted is more likely

to be true than not true. The Appellant did not provide any evidence that the violations cited in the charge letter did not occur.

Based on this discussion, the decision by the Retailer Operations Division to disqualify the firm for a six month period was the appropriate penalty and there is no valid basis for dismissing the charges or for mitigating the penalty imposed.

FOIA

The Appellant contends that not holding determinations in abeyance while FOIA responses are pending violates 7 CFR §278.6(b)(1) according to *Triple E Express vs. ROD*, because the Appellant is not given a full opportunity to respond. With regard to this contention, effective October 26, 2020, the changes to 7 CFR § 278.6 and 7 CFR § 279.4 went into effect. These changes prohibit holding determinations and administrative reviews in abeyance while FOIA responses are pending. The finding in *Triple E Express* was based on outdated regulations.

Case Laws

With regard to the case laws 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.

Previous Administrative Review Decisions

With regard to the Appellant's contentions that this matter should be afforded the same standards based on the Final Agency Decisions in other cases, 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.

CIVIL MONEY PENALTY

The Appellant contends that a SNAP disqualification would impose a hardship on area SNAP customers and therefore, requests the imposition of a hardship civil money penalty in lieu of a six month SNAP disqualification. In support thereof, the Appellant submitted *Profile of SNAP Households in 2018* for the 22nd Congressional District of California.

The Retailer Operations Division determined that the Appellant was not eligible for a hardship civil money penalty (CMP) under 7 CFR § 278.6(f)(1). That regulation reads, in part, "FNS may impose a civil money penalty as a sanction in lieu of disqualification when . . . the firm's

disqualification would cause hardship to [SNAP] households because there is no other authorized retail food store in the area selling as large a variety of staple food items at comparable prices.” [Emphasis added]. 5 U.S.C. § 552 (b)(7)(E).

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

CONCLUSION

It is therefore established that the violations as described in the letter of charges did in fact occur at Shop-n-Save warranting a disqualification of six months in accordance with 7 CFR § 278.6(e)(5). That regulation states that FNS shall “disqualify the firm for 6 months if it is to be the first sanction for the firm and the evidence shows that personnel of the firm have committed violations such as, but not limited to, the sale of common nonfood items due to carelessness or poor supervision by the firm’s ownership or management”. Therefore, the decision to impose a six month disqualification, the least severe penalty allowed by regulation, against Shop-n-Save, the Appellant firm, is appropriate and the action is sustained.

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

RIGHTS AND REMEDIES

Your attention is called to Section 14 of the Food and Nutrition Act (7 U.S.C. 2023) and to Section 279.7 of the Regulations (7 CFR § 279.7) with respect to your right to a judicial review of this determination. Please note that if a judicial review is desired, the Complaint, naming the United States as the defendant, must be filed in the U.S. District Court for the district in which you reside or are engaged in business, or in any court of record of the State having competent jurisdiction. If any Complaint is filed, it must be filed within thirty (30) days of receipt of this Decision.

Under the Freedom of Information Act, FNS is releasing this information in a redacted format as appropriate. FNS will protect, to the extent provided by law, personal information that could constitute an unwarranted invasion of privacy.

LORIE L. CONNEEN
ADMINISTRATIVE REVIEW OFFICER

November 16, 2021