

**U.S. Department of Agriculture
Food and Nutrition Service
Administrative Review Branch
Alexandria, VA 22302**

1690 Meat & Grocery Inc.,)	
)	
Appellant,)	
)	
v.)	Case Number: C0182603
)	
Retailer Operations Division,)	
)	
Respondent.)	
_____)	

FINAL AGENCY DECISION

It is the decision of the USDA that there is sufficient evidence to support a finding that the permanent disqualification of 1690 Meat & Grocery Inc. from participation as an authorized retailer in the Supplemental Nutrition Assistance Program (SNAP) was properly imposed by the Retailer Operations Division.

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 permanent disqualification against 1690 Meat & Grocery Inc.

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 July 30, 2015, the Retailer Operations Division charged the Appellant with trafficking, as defined in Section 271.2 of the SNAP regulations, based on a series of irregular SNAP transaction patterns that occurred during the months of March 2015 through June 2015. The letter noted that the penalty for trafficking is permanent disqualification as provided by 7 CFR § 278.6(e)(1). The letter stated the Appellant had the right to respond to the charges within 10 days of receipt to provide explanations for the irregular SNAP transaction patterns. The letter also stated 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).

The Appellant responded to the charges in two faxed documents dated August 10, 2015 and August 21, 2015. The Appellant denied trafficking in SNAP benefits and offered various explanations for the irregular SNAP transaction patterns. The Appellant also stated that some of the irregular transactions were due to the store accepting SNAP benefits as repayment on credit accounts. The Appellant did not specifically request a trafficking CMP in lieu of a permanent disqualification but provided documents purporting to document the store's SNAP compliance policy and training for employees.

After considering the Appellant's reply and the evidence in the case, the Retailer Operations Division issued a determination letter dated July 7, 2016. The determination letter informed the Appellant it was permanently disqualified from the SNAP in accordance with 7 CFR § 278.6(c) and § 278.6(e)(1). The determination letter also stated that the Retailer Operations Division considered the Appellant's eligibility for a trafficking CMP according to the terms of Section 278.6(i) of the SNAP regulations. The Retailer Operations Division determined that the Appellant was not eligible for a trafficking CMP because the Appellant failed to 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 dated July 18, 2016, the Appellant requested an administrative review of the Retailer Operation Division's determination. The request for administrative review was granted.

STANDARD OF REVIEW

In appeals of adverse actions, an appellant bears the burden of proving by a preponderance of the evidence that the administrative action should be reversed. That means an 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 law in this matter is covered in the Food & Nutrition Act of 2008, as amended, 7 U.S.C. § 2021, and promulgated through regulation under Title 7 CFR Part 278. In particular, 7 CFR § 278.6(a) and (e)(1)(i) establish the authority upon which a permanent disqualification may be imposed against a retail food store or wholesale food concern.

7 U.S.C. § 2021(b)(3)(B) states, *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(e)(1)(i) states:

FNS shall 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 or selling of ... [SNAP] benefits for cash or consideration other than 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, inconsistent redemption data, **evidence obtained through a transaction report under an electronic benefit transfer system....** [Emphasis added.]*

7 CFR § 278.6(i) states, *inter alia*:

*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. [Emphasis added.]*

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 a penalty.** [Emphasis added.]*

SUMMARY OF CHARGES

The Appellant was charged and determined to be trafficking based on an analysis of electronic benefit transfer (EBT) transaction data from March 2015 through June 2015. This involved the following transaction patterns which are trafficking indicators:

- There were an unusual number of transactions ending in a same cents value.
- Multiple transactions were made from individual household benefit accounts within unusually short timeframes.
- The majority or all of individual recipient benefits were exhausted in unusually short periods of time.
- Excessively large purchase transactions were made from recipient accounts.

Charge Letter Attachment 1: There were an unusual number of transactions ending in a same cents value. [7 USC 2018 (b)(7)(e)]

Charge Letter Attachment 2: Multiple transactions were made from individual benefit accounts in unusually short time frames. [7 USC 2018 (b)(7)(e)]

Charge Letter Attachment 3: The majority or all of individual recipient benefits were exhausted in unusually short periods of time. [7 USC 2018 (b)(7)(e)]

Charge Letter Attachment 4: Excessively large purchase transactions were made from recipient accounts. [7 USC 2018 (b)(7)(e)]

APPELLANT'S CONTENTIONS

The Appellant made the following summarized contentions in its response to the charge letter and its request for administrative review, in relevant part:

- Regarding the same cent transactions, the store on occasion rounds down prices if a customer asks for a discount. The store also advertises weekly specials on items that that end in a zero cents value.
- Regarding the multiple transactions conducted by the same household in a short time period, many families share their SNAP benefits and like to keep track of these purchases separately. In doing so, they will make their personal purchase, and then charge the items for another family member separately to obtain a separate invoice. The store also adds up purchases with a calculator before they are processed through the EBT terminal, so transactions do not take time to be processed. In addition, this store receives deliveries throughout the day, a customer may have completed their purchases just in time to see fresh merchandise come through the door and they may choose to make another purchase.
- The store carries all kinds of food items, a large variety of produce, deli meats and many varieties of fruits and vegetables. Taking into account the store's competitive pricing, participants can easily expend their benefits at this store.
- Regarding the excessively large transactions, food prices are at an all-time high, depending on the items purchased, a customer could easily accrue a significant amount

of sales. Because several other grocery stores in the area have been disqualified from the SNAP, the store's sales have risen substantially. Due to a lack of stores in a four block radius, many of the neighborhood customers satisfy their household needs making large purchases.

- When the contractor came to take the pictures of the store it was under renovation and did not reflect the normal level of stock carried by the store. Due to size of the store and the normal volume of its food inventory as shown in the pictures previously sent, the cited transactions cannot be considered trafficking but are instead normal purchases for this type of store.
- Purchase invoices previously supplied by the store document the size of the store inventory which supports the firm's SNAP redemptions.
- Many of the large dollar transactions cited in the charge letter are due to the store allowing credit accounts to be repaid with SNAP benefits for a few select households. The owner was not aware that this was against the SNAP rules and regulations.
- The store has always been rule abiding and has never had a prior violation in 19 years.

The preceding may represent only a brief summary of the Appellant's contentions presented in this matter. Please be assured, however, in reaching a decision, full attention was given to all contentions presented, including any not specifically recapitulated or specifically referenced herein.

ANALYSIS AND FINDINGS

Store Authorization History

The Food & Nutrition Service (FNS) authorized 1690 Meat & Grocery Inc. for the SNAP on February 4, 1997. During the review period, the store was categorized by FNS as a small grocery store.

Store Condition During the Review Period

The case record documents that in reaching a disqualification determination, the Retailer Operations Division considered information obtained during a February 26, 2015 store visit conducted by an FNS contractor to observe the nature and scope of the store's operation, stock and facilities. This information was then used to ascertain if there were justifiable explanations for the store's irregular SNAP transactions. The store visit report and photographs documented the following store size, description, and characteristics:

- 1690 Meat & Grocery Inc. is approximately 1,000 square feet in size and operates out of a storefront in an urban residential area.
- The store did not have any shopping carts or shopping baskets for customer use.
- The store did not have an optical scanner for rapidly processing transactions. There were also no adding machines or calculators.
- There was one cash register and one point-of-sale device.
- There was no food stored in a storage area outside of public view.
- The store did not offer any fresh meat/poultry/seafood specials or bundles, or fruit/vegetable boxes for sale.
- The checkout area space was very limited and consisted of a small countertop no

larger than 2 feet x 2 feet. The countertop was surrounded on all sides by clear plastic shelving and a cooler immediately in front and below. The checkout area was not conducive to conducting large transactions involving multiple food products.

The store's staple food inventory included deli products such as luncheon meats and cheese; inexpensive canned and packaged goods; and single serving food items. Much of the SNAP eligible food stock could likely be found at any other small grocery store. The only expensive food product carried by the store was infant formula. Accessory food items included, but were not limited to coffee, tea, carbonated and non-carbonated drinks, condiments, and spices.

The stocked ineligible items included tobacco products, alcohol, lottery tickets, health and beauty products, paper goods, household cleaning products, and pet food. The store also offered SNAP ineligible hot food and prepared ready-to-eat sandwiches not intended for home preparation and consumption.

Given the available inventory as noted above, there is no indication from the store visit report that the Appellant store would be likely to have SNAP redemption patterns significantly different from similar-sized competitors offering similar food items.

Same Cents Value Transactions

7 USC 2018 (b)(7)(e)

The Appellant states that "on occasion" it allows customers to negotiate a rounded down transaction amount to maintain customer goodwill. However, as retail grocery stores often operate on low profit margins, it is unlikely that a store would do this in nearly half of its SNAP transactions. Such a rounded down price amount would result in a significant profit loss to a retail grocery store and is unlikely to be a regular practice of the store. The Appellant submitted some advertisements showing specials ending in an even dollar amount. However, these same flyers had specials with amounts ending in 09, 29, 79 and 99 cents. A review of the store visit photographs show some food items ending in 00 cents, but most food items had prices ended in amounts such as 49, 89, and 99 cents which are a typical retailer pricing structure. Due to the mostly low cost food items offered by the store, it is likely that the large dollar transaction cited in the charge letter consisted of the purchase of multiple food items at one time. **7 USC 2018**

(b)(7)(e).

When SNAP customers buy multiple food items in one transaction, the transaction amount is more likely to result in a random statistical spread of ending cent ranges from 00 to 99 cents unless there is a special pricing structure. Consequently, when there are a disproportional amount of transactions that end in a same cent value, it appears that these transaction amounts are contrived and therefore, in the absence of any compelling rationale to the contrary, are a strong indicator that the firm is trafficking in SNAP benefits. A preponderance of the evidence indicates that the irregular transaction patterns cited in Charge Letter Attachment 1 are a result of the store trafficking in SNAP benefits.

Multiple Transactions made from Individual Benefit Accounts in Unusually Short Time Frames

7 USC 2018 (b)(7)(e).

7 USC 2018 (b)(7)(e).

The Appellant states that many families share their SNAP benefits and like to keep track of these purchases separately. Allegedly, they will make their personal purchase, and then charge the items for another family member separately to obtain a separate invoice.

However, the Appellant offers no reliable evidence to support this. A SNAP household is defined as a household that purchases and prepares meals together; therefore, there would be no need to obtain a separate receipt. Households that purchase and prepare meals separately are considered separate households. It is unlikely that a family relying on SNAP to supplement their nutritional needs would share these benefits with another family that purchases and prepares meals separately.

The Appellant states that the store adds up purchases with a calculator before they are processed through the EBT terminal, so transactions do not take time to be processed. However, this contention does not make sense as the majority of transactions cited in the charge letter were hours apart. In addition, the store visit report documents that the store did not have an adding machine or calculator.

The Appellant states that sometimes a customer may see fresh produce come in as they are checking out and will make another purchase. This again does not make sense as most of the transactions cited in Charge Letter Attachment 2 were several hours apart.

7 USC 2018 (b)(7)(e)

7 USC 2018 (b)(7)(e)

SNAP households have no limit on the number of times they may use their SNAP cards or how much eligible food they may purchase. However, the SNAP transactions noted in the charge letter were cited not because they exceed any limits for use, but rather because they display characteristics of use inconsistent with the nature and extent of the store's stock and facilities and are therefore indicative of trafficking. Based on a preponderance of the evidence, the transaction patterns cited in Charge Letter Attachment 2 are more likely than not the result of trafficking in SNAP benefits.

Exhaustion of Benefits in a Short Time Frame

7 USC 2018 (b)(7)(e)

The Appellant states that the store carries all kinds of food items, a large variety of produce, deli meats and many varieties of fruits and vegetables and that, taking into account the store's competitive pricing, participants can easily expend their benefits at the store. However, this is inconsistent with the normal shopping patterns of SNAP households.

A government report on SNAP shopping patterns¹ indicates that after the first day of benefit issuance, on average, 80 percent of a household's allotment remains unspent. Even after seven days, 40 percent of benefits still remain unspent. It takes two weeks to deplete 80 percent of one's benefits, and three weeks to deplete 90 percent. 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 benefits in only a few transactions or a single day. Depleting one's entire allotment in one or two days, or in a single large transaction, leaving no benefits for the remainder of the month, is inconsistent with the normal shopping behavior of SNAP benefit households.

Some of the transactions show a repeating purchase amount indicating that the store had fallen into an unconscious pattern of contrived transactions. 7 USC 2018 (b)(7)(e) Based on the store's low cost foods and pricing structure, it is unlikely that three different households are purchasing the exact combination of foods to arrive at the exact high dollar purchase amount which depletes their SNAP benefits for the month. Based on a preponderance of the evidence, the irregular transaction patterns cited in the charge letter are more likely than not the result of trafficking in SNAP benefits.

Excessively Large Purchase Transactions

7 USC 2018 (b)(7)(e).

These excessively large transaction amounts are questionable given that the store has no fresh meat/poultry/seafood bundles or boxes of fresh fruits and vegetables for sale. The Appellant claims the store was under renovation at the time of the store visit and that therefore the store visit report did not accurately portray the amount of food that is normally carried by the store. However, a review of the photographs from the 2015 store visit and a prior store visit conducted in 2013 show no evidence of any renovation and the same quantity and quality of food. As noted previously, there is no indication from the store visit report that the store would be likely to have SNAP redemption patterns significantly different from similar-sized competitors offering similar food items.

The Appellant states that food prices are at an all-time high and that, depending on the items purchased, a customer could easily accrue a significant amount of sales. It is true that an increase in the cost of food can lead to higher SNAP transactions. However, this increase would also be reflected in the SNAP transactions of similar-sized competitor stores. 7 USC 2018 (b)(7)(e). Therefore, an increase in food costs is not an explanation for the Appellant store's excessively large SNAP transactions.

The Appellant claims that its transaction amounts have increased as other have stores lost the ability to process EBT transactions. This might be a reasonable explanation if the store was in an area without SNAP authorized grocery stores, supermarkets or superstores. In those cases a store might have higher than normal SNAP transaction amounts. However, the Retailer Operations Division determined that during the review period there were 83 SNAP authorized stores within a half-mile radius of 1690 Meat & Grocery Inc. including 25 small grocery stores, 30 medium grocery stores, one (1) large grocery store, three (3) superstores, and three (3) supermarkets. Therefore, a lack of access to other SNAP authorized stores is not an explanation for the excessively high SNAP transactions cited in the charge letter.

¹ "Analysis of EBT Benefit Redemption Patterns: Methods for Obtaining, Preparing, and Analyzing the Data," report prepared by Abt Associates for the Food and Nutrition Service, USDA, November 2005.

The Retailer Operations Division examined three (3) households identified in the charge letter to analyze their shopping patterns at 1690 Meat & Grocery Inc. compared to their shopping patterns at other SNAP authorized stores. All of these households had access to, and shopped at, supermarkets and superstores. This again indicates that lack of access to other stores is not an issue. However, despite this access to better stocked stores, the sampled households had transactions at 1690 Meat & Grocery Inc. that were comparable to, or significantly larger than, those conducted at supermarkets/superstores often within a day or two of shopping at the Appellant store. It is highly unlikely that a small grocery store would have legitimate SNAP transactions comparable to, or greater than, those at a supermarket or superstore.

Lastly, the store's layout, infrastructure, and food inventory does not support a high percentage of transactions markedly exceeding the average SNAP transaction amount of similar type stores. In addition to the statistical irregularity of such high dollar transactions, the limited availability of counter space and the lack of shopping carts and shopping baskets support the Retailer Operations Division determination. Without the benefit of shopping carts or hand baskets, customers purchasing such large quantities of food items would have to hold them in their arms, or enlist the help of others while shopping. Based on a preponderance of the evidence, the irregular transaction patterns cited in Charge Letter Attachment 3 are more likely than not the result of trafficking in SNAP benefits.

Purchase Invoices

The case record documents that on August 10, 2015, the Appellant submitted 168 purchase invoice records for the period of June 5, 2015 through July 10, 2015 in order to show that it had a sufficient food inventory during the review period to support its SNAP redemptions. The Retailer Operations Division determined that it could not accept these alleged purchase invoices as 149 were from an unidentified vendor and there was no way to independently verify the authenticity of the documents. The remaining 19 pages of invoice records were insufficient to document the firm's entire food inventory. Therefore, no further findings are rendered with regard to this contention.

Credit Accounts

The Appellant claims that many of the large dollar transactions cited in the charge letter are due to the store allowing credit accounts to be repaid with SNAP benefits for a few select households. When a retailer claims it maintains credit accounts to explain irregular SNAP transactions and data patterns, FNS requires a level of detail regarding the legitimacy of the claim. This is because retailers have often made false admissions of credit in an attempt to obtain a lesser one-year disqualification penalty after committing more egregious violations such as trafficking. Credit transactions must be accounted for with substantive evidence such as the dates credit was extended, to whom, for what amount, and for what items.

When the Appellant claimed it accepted SNAP benefits as repayment on credit accounts, the Retailer Operations Division requested the store's credit account records in order to validate the claim. The Appellant provided a total of seven (7) alleged customer statements; however, three of the statements did not have a valid EBT account number and were therefore excluded from the analysis. For the remaining four (4) customer statements, the Retailer Operations Division conducted an analysis of the corresponding credit records in

comparison with the EBT benefit balances documented on the New York State EBT administrative terminal. The Retailer Operations Division determined that on the dates that all four households were allegedly extended credit, each household had a sufficient remaining balance on their EBT accounts to have paid for the food allegedly purchased on credit. 7 USC 2018 (b)(7)(e).

7 USC 2018 (b)(7)(e)

No Prior Violations

The Appellant states that it has been authorized for SNAP for 19 years and has had no prior violations. With regard to this contention, 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. Trafficking in SNAP benefits is an extremely serious violation and both 7 U.S.C. § 2021(b)(3)(B) and 7 CFR § 278.6(e)(1)(i) state that a first time violation warrants a permanent disqualification.

CIVIL MONEY PENALTY

The Appellant did not specifically request consideration for a trafficking CMP in lieu of a permanent disqualification under 7 CFR § 278.6(i) even though it was informed of the right to do so in the charge letter. However, the Appellant did provide evidence relating to the store's SNAP compliance policy and training program and the case record shows that the Retailer Operations Division conducted an analysis of this documentation. The Retailer Operations Division determined that the Appellant was not eligible for a trafficking CMP in lieu of a disqualification under 7 CFR 278.6(i) because there is insufficient evidence to demonstrate that the firm had established and implemented an effective compliance policy and program to prevent SNAP violations.

The criteria for a trafficking CMP in lieu of disqualification is defined under 7 CFR §278.6(i) which reads, *inter alia*:

*In determining the minimum standards of eligibility of a firm for a civil money penalty in lieu of a permanent disqualification for trafficking, the firm shall, at a minimum, establish by **substantial evidence** [emphasis added] its fulfillment of each of the following criteria:*

Criterion 1. The firm shall have developed an effective compliance policy as specified in §278.6(i)(1); and

Criterion 2. The firm shall establish that both its compliance policy and program were in operation at the location where the violation(s) occurred prior to the occurrence of violations cited in the charge letter sent to the firm; and

Criterion 3. The firm had developed and instituted an effective personnel training program as specified in §278.6(i)(2); and

Criterion 4. Firm ownership was not aware of, did not approve, did not benefit

from, or was not in any way involved in the conduct or approval of trafficking violations; or it is only the first occasion in which a member of firm management was aware of, approved, benefited from, or was involved in the conduct of any trafficking violations by the firm

The Appellant submitted documents entitled “Information for Individuals Processing EBT Transactions” and “1690 Meat & Grocery Inc. Policy.” These documents outlined alleged training sessions for two employees held on May 1, 2014, September 1, 2014 and December 5, 2014. The Retailer Operations Division determined that this was not the type of substantial evidence necessary to establish that the firm had an effective SNAP compliance policy and personnel training program in place prior to the violations. For example:

- The Appellant did not provide a copy of the complete SNAP training package allegedly given to the employees.
- The scarcity of the documentation provided indicated the possibility that the documentation was developed after the issuance of the charge letter in an attempt to satisfy the requirements for a trafficking CMP.
- There was no evidence that the owner was monitoring SNAP transactions as would be expected in an effective compliance program.
- There was no documentation showing when the store employees were hired.
- There was no documentation that employees were provided initial training within one month of their employment as required in regulations.
- There was no documentation indicating that tests or quizzes were given to insure that employees fully understood any training that was given.
- Although the owner was allegedly not aware of, and did not approve of the violations, he did benefit from the transactions as the settlement of funds went directly into the owner’s bank account.

It should also be noted that the Appellant claims it did not know that accepting SNAP benefits as repayment on credit accounts is a SNAP violation. Based on this admission, it is difficult to see how the Appellant can claim it had an effective compliance program and training policy.

In conclusion, the Appellant firm fell short of the regulatory standard for a trafficking CMP as it did not provide **substantial** evidence that it met all four criteria required by 7 CFR §278.6(i). Therefore, the Retailer Operations Division’s decision not to impose a trafficking CMP in lieu of disqualification is sustained as appropriate pursuant to 7 CFR §278.6(i).

CONCLUSION

The Retailer Operations Division’s analysis of the Appellant’s EBT transaction record was the primary basis for its determination to permanently disqualify the retailer. This data provided substantial evidence that the questionable transactions during the review period had characteristics that are consistent with trafficking in SNAP benefits. 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.

In the absence of any reasonable explanations for such transaction patterns, a conclusion can be drawn through a preponderance of evidence that the “unusual, irregular, and inexplicable” transactions and patterns cited in the letter of charges evidence trafficking as the most likely explanation. Therefore, based on a review of all of the evidence in this case, it is more likely true than not true that program violations did in fact occur as determined by the Retailer Operations Division. Based on the discussion above, the decision to impose a permanent disqualification against 1690 Meat & Grocery Inc., Appellant, is sustained.

RIGHTS AND REMEDIES

Section 14 of the Food and Nutrition Act of 2008 (7 U.S.C. § 2023) and Title 7, Code of Federal Regulations, Part 279.7 (7 CFR § 279.7) addresses your right to a judicial review of this determination. Please note that if a judicial review is desired, the Complaint, naming the United States as the defendant, must be filed in the U.S. District Court for the district in which you reside or are engaged in business, or in any court of record of the State having competent jurisdiction. If any Complaint is filed, it must be filed within thirty (30) days of receipt of this Decision.

Under the Freedom of Information Act (FOIA), it may be necessary to release this document and related correspondence and records upon request. If we receive such a request, we will seek to protect, to the extent provided by law, personal information that if released, could constitute an unwarranted invasion of privacy.

RON GWINN
ADMINISTRATIVE REVIEW OFFICER

October 6, 2016
DATE