

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

**2-Go Store,**

**Appellant,**

**v.**

**Retailer Operations Division,**

**Respondent.**

**Case Number: C0214725**

**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 the permanent disqualification of 2-Go Store (2-Go Store or Appellant) from participation as an authorized retailer in the Supplemental Nutrition Assistance Program (SNAP), as initially imposed by the Retailer Operations Division, was appropriate.

**ISSUE**

The issue accepted for review is whether the Retailer Operations Division took appropriate action, consistent with 7 CFR § 278.6(a), (c) and (e)(1) in its administration of the SNAP, when it assessed a permanent disqualification against Appellant.

**AUTHORITY**

7 USC § 2021 and the 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 February 5, 2019, the Retailer Operations Division charged 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 June 2018 through November 2018. The letter noted that the penalty for trafficking is permanent disqualification as provided by 7 CFR § 278.6(e)(1). The letter also noted that Appellant could request a trafficking civil money penalty (CMP) in lieu of a permanent disqualification within ten days of receipt under the conditions specified in 7 CFR § 278.6(i).

Appellant replied to the charges by e-mail on February 10, 2019, and denied trafficking and explained that the transactions were normal based on the unique circumstances of the store. After considering the retailer's reply and the evidence, the Retailer Operations Division issued a determination letter dated February 27, 2019. The determination letter informed Appellant that 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 Appellant was not eligible for a trafficking CMP because 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.

By letter postmarked March 8, 2019, ownership, through counsel, appealed the Retailer Operations Division's determination and requested an administrative review.

### **STANDARD OF REVIEW**

In appeals of adverse actions, the Appellant bears the burden of proving by a clear preponderance of the evidence, that the administrative actions should be reversed. That means the Appellant has the burden of providing relevant evidence which a reasonable mind, considering the record as a whole, would accept as sufficient to support a conclusion that the matter asserted is more likely to be true than not true.

### **CONTROLLING LAW**

The controlling statute in this matter is contained in the Food and Nutrition Act of 2008, as amended, 7 USC § 2021 and § 278 of Title 7 of the Code of Federal Regulations (CFR). Part 278.6(a), (c) and (e)(1) establish the authority upon which a permanent disqualification may be imposed against a retail food store or wholesale food concern in the event that personnel of the firm have engaged in trafficking SNAP benefits.

7 USC § 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 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 § 271.2 states that the definition of "coupon" includes:

... an electronic benefit transfer card or personal identification number issued pursuant to the provisions of the Food and Nutrition Act of 2008, as amended, for the purchase of eligible food.

7 CFR § 271.2 states, in part, that, 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 § 271.2 defines trafficking, in part, as:

The buying, selling, stealing, or otherwise effecting an exchange of SNAP benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers and personal identification numbers (PINs), or by manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone; . . .

7 CFR § 278.6(a) states:

FNS may disqualify any authorized retail food store . . . if the firm fails to comply with the Food and Nutrition Act of 2008, as amended, or this part. Such disqualification shall result from a finding of a violation on the basis of evidence that may include facts established through on-site investigations, inconsistent redemption data, evidence obtained through a transaction report under an **electronic benefit transfer system**, . . .” (emphasis added)

7 CFR § 278.6(e)(1) reads, 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, 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.

7 CFR § 278.6(b)(2) states, in part:

(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 THE CHARGES

Appellant was charged and determined to be trafficking based on an analysis of EBT transaction data from June 2018 through November 2018. This involved the following SNAP transaction patterns which are indicative of trafficking:

- There were multiple transactions made from individual benefit accounts within a set time period.
- There were EBT transactions that are large based on the observed store characteristics and recorded food stock.

The issue in this review is whether, through a preponderance of evidence, it is more likely true than not true that the questionable transactions were the result of trafficking.

## APPELLANT'S CONTENTIONS

In its March 8, 2019, administrative review request, Appellant provided the following summarized contentions:

- Appellant implement an effective compliance program to prevent violations of SNA section 278.6(c) and 278.6(b)(i) of the SNAP.
- Appellant is located where there is a large concentration of EBT customers in multi-family housing units that yield a higher than normal amount of EBT customers.
- Many customers buy groceries for their entire household as they would at a grocery store.
- The EBT card is used multiple times because there are numerous family members and a significant number of unemployed household members.
- There have never been any violations of the SNAP law.
- The owner and one employee were the only employees during the investigation.
- The cardholders have 5-8 children, who visit the store at one time, and instead of making one large purchase, the children make purchases after the initial purchase is complete.
- Customers negotiate deals after already spending a decent sum for their initial purchase.
- Traditional grocery stores are no readily available in the neighborhood.
- EBT qualified items are purchased at wholesale at a large volume.
- There are shopping baskets available for customers to make large transactions.
- Some of the items available listed on the invoices are sausages, milk, and frozen ham.
- Appellant has not violated any SNAP law and the transactions are based on the sale of qualified merchandise.
- The firm has an effective compliance police in place.
- The compliance policy was in place prior to the violations.
- The firm had developed and set up effective personnel training.
- The firm ownership was not aware of and did not approve or benefit from any trafficking.
- The training program implemented by the owner included reviewing the FNS handbook with each new employee and calling the owner if there are any questions.
- Appellant has provided training, in-store training, and a copy of the manual to all employees.

- The contents of the manual are discussed with the employees on a semi-annual basis.
- Wholesale invoices show the high volume of wholesale purchases that normally have a markup up between 50-80%.

In support of its contentions, Appellant submitted the following:

- Affidavit from owner attesting to training;
- Affidavits from employee regarding the training;
- Affidavit from customers;
- Photographs of food and exterior of store;
- Wholesale purchase invoices;
- Receipts relating to the transactions found in the charge letter; and
- Handwritten price list with mark-ups.

The preceding may represent only a brief summary of the Appellant's contentions presented in this matter. However, in reaching a decision, full attention and consideration has been given to all contentions presented, including any not specifically recapitulated or specifically referenced.

## **ANALYSIS AND FINDINGS**

### **Store Visit**

FNS authorized 2-Go Store as a convenience store on January 12, 2011. The case file indicates that in reaching a disqualification determination, the Retailer Operations Division considered information obtained during a December 8, 2018, store visit conducted by a FNS contractor to observe the nature and scope of the firm's operation, stock, and facilities. This information was then used to ascertain if there were justifiable explanations for the firm's irregular SNAP transactions. The store visit report and photographs documented the following store size, description, and characteristics:

- 2-Go Store is approximately 1500 square feet.
- There were no shopping baskets or shopping carts for customer use.
- There was one cash register and one point-of-sale device.
- There was no fresh unprocessed meat, poultry, or fish.
- There was packaged lunch meat and hot dogs.
- There were no meat/seafood specials or bundles that might sell for high prices.
- There only fresh produce was some bananas on the counter.
- Dairy included milk and butter.
- Other staple foods available for purchase were eggs, juice, bread, rice, cereal, pasta, and a limited selection of canned goods.
- Much of the remaining stock consisted of accessory foods such as candy, spices, and carbonated and uncarbonated drinks.
- Ineligible items included alcohol, tobacco, health and beauty products, lottery, cleaning products, and paper products.

- There were empty shelves, dusty cans and packages, as well as expired and outdated food items noted.

The SNAP eligible food stocked by the store was generally of a low dollar value consisting mainly of inexpensive canned and packaged goods, snack foods, single-serving food items and accessory food items. These highest priced items noted were a 12 pack of soda -\$7.99; 24 pack of water - \$6.99; and 3 pack of Red Bull - \$5.00. There were only three items in the store priced at \$5.00 or more. Given the available inventory as noted above, 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. It is important to note that Appellant did not meet SNAP authorization criteria on the day of the store visit, as it carried too few items in the dairy staple food category. Each retailer is required to stock at least three stocking units of three different varieties of food in each of the four staple food categories. Appellant only carried sufficient quantities of food in two varieties of the dairy staple food category.

### **Charge Letter Attachments**

Each attachment furnished with the charge letter represents the questionable and unusual patterns of SNAP transactions indicative of trafficking which were conducted at the Appellant firm during the review period. As there is more than one pattern of irregular transactions, the case of trafficking becomes more convincing.

**Charge Letter Attachment 1. Multiple transactions were made from individual benefit accounts in unusually short time frames.** This attachment documents 14 sets of transactions **5 U.S.C. § 552 (b)(6) & (b)(7)(C)** in SNAP benefits that meet the parameters of this scan. Multiple transactions conducted by the same household account within a short period of time is a method which violating stores use to avoid single high dollar transactions that cannot be supported by a retailer's inventory and structure.

The SNAP transactions noted in the charge letter are questionable not because they exceed any limits for use, but rather because they display characteristics of use inconsistent with the nature and extent of Appellant's stock and facilities and are therefore indicative of trafficking. Although it is not uncommon for customers to have more than one transaction per day, it is not common that such multiple transactions are for large dollar amounts. The photographs from the store visit offer no explanation as to why SNAP customers would routinely shop at Appellant multiple times during a short period or purchase such a large volume of items, there being no great variety of products, price advantage, profusion of large packages, or significant bulk items for sale. Appellant is not set up to provide for all of one's food needs and lacks an abundant depth and breadth of staple foods. The second and third transactions in each set are too large to consist of forgotten items.

Counsel reports that the cardholders have 5-8 children who visit the store at one time and instead of making one large purchase, the other children make purchases based on their desire after the initial purchase is complete. Counsel also states that customers negotiate deals after already spending a decent sum for their initial purchase. Appellant's contentions are not credible because most of the transactions cited in the charge letter **5 U.S.C. § 552 (b)(7)(E)** and therefore would not

be explained by an initial purchase by one household member and then other members making separate purchases on the same visit. Because of the firm's limited stock, it is not likely that Appellant would have many of the SNAP transactions listed on this Attachment. It is even less likely that several of these excessively large transactions would be conducted multiple times in a short time period.

Appellant has not offered any evidence to show that the transactions listed in Charge Letter Attachment #1 were legitimate purchases of eligible food.

**Charge Letter Attachment 2: Excessively large purchase transactions were made from recipient accounts.** This attachment lists 149 transactions **5 U.S.C. § 552 (b)(6) & (b)(7)(C)**. These large transaction amounts are questionable because they are not consistent with the store's inventory, with minimal staple food stock with no unprocessed fresh meat and limited fresh produce. The store did not have any shopping baskets or shopping carts. It appears unlikely that the firm's customers would regularly carry very large amounts of merchandise around the store without the benefit of shopping carts or shopping baskets. The frequency of high-dollar purchases in a six-month period calls into question the legitimacy of these transactions.

**5 U.S.C. § 552 (b)(7)(E)**.

Counsel contends that many customers buy groceries for their entire household as would a customer at a grocery store. However, Appellant had minimal eligible food stock on the day of the store visit. There was no fresh unprocessed meat, poultry, or fish for sale and there was limited fresh produce including some bananas. As indicated previously, Appellant did not meet SNAP authorization criteria on the day of the store as it has too few items in the dairy staple food category. Furthermore, the store manager indicated that there were only three food items prices more than \$5.00. Thus, the evidence does not support that customers would be unable to make purchases at Appellant similar to what they would make at a grocery store.

Counsel explains that traditional grocery stores are not readily available in the neighborhood. It is true that sometimes a firm may have higher than average SNAP transactions amounts due to the lack of access to other SNAP authorized stores. However, the Retailer Operations Division determined that 45 out of the 59, or 76%, households that conducted a transactions listed on Attachment 2 conducted a transactions at a large grocery, supermarket, or a super store within a short period of time from its flagged transaction at Appellant. Thus, households who shop at Appellant have access to large grocery stores, supermarkets and super stores. The Retailer Operations Division also determined are ten other SNAP authorized stores within a one-mile radius of Appellant, including three combination groceries and seven other convenience stores.

The Retailer Operations Division compared Appellant to six nearby convenience stores all located within a one mile radius of Appellant. The Retailer Operations Division determined that the transaction pattern noted at Appellant, described in the charge letter attachments, exceed the other convenience stores, as seen on the table. The Retailer Operations Division considered this indicator that trafficking could be occurring at Appellant.

**5 U.S.C. § 552 (b)(7)(E)**

Appellant explained that Appellant is surrounded by multi-family housing units where the majority of tenants use EBT for nearly all of their groceries. However, there is no evidence to suggest that these larger than normal families shop at Appellant opposed to the other nearby similar stores that would result in these transactions that set Appellant apart from the average. As indicated, there are several stores in the area that these alleged large families are likely shopping at. Yet, these patterns noted are occurring at Appellant more frequently than at these other stores. Large families and multi-family buildings is not compelling evidence that the questionable large dollar transactions conducted at Appellant were for eligible food items only.

The Retailer Operations Division examined three households identified in the charge letter to analyze their shopping patterns at Appellant compared to their shopping patterns at other SNAP authorized stores. However, despite this access to better stocked stores, each of the other households conducted excessively large transactions at Appellant within a short time of shopping at a supermarket or super store. It is questionable as to why households would conduct large transactions at Appellant, when these households had just visited or planned to visit larger stores with a better selection of fresh meat and produce and likely better prices. The inventory and layout at Appellant does not support these transactions. There is no compelling reason for customers to consider Appellant as a first choice destination to fulfill large purchases of food.

### **Invoices**

Counsel explains that Appellant purchase EBT eligible items at wholesale at a large volume and that Appellant has shopping baskets for customer to make large purchases. There were no shopping baskets or carts noted on the day of the store visit. Appellant submitted 22 invoices to support it carried sufficient inventory to support its SNAP transactions. All of the invoices were dated in February 2019 and therefore is not evidence that Appellant stocked sufficient inventory to justify its SNAP redemptions during the review period. Based on the store visit photographs, the store likely did not have sufficient food stock to justify its SNAP redemptions for the review period. However, it should be noted that even if the store had sufficient inventory to support its SNAP redemptions, this would still not explain the irregular transaction patterns cited in the charge letter. It is not unusual for violating stores to conduct largely legitimate SNAP transactions while conducting a smaller number of trafficking transactions with a few trusted households.

### **Customer Statements**

Appellant submitted nine customer statements alleging that they regularly shop at Appellant and purchase eligible food items with their SNAP benefits. One of the household's EBT card number could not be found. Six households did not conduct any SNAP transactions at Appellant during the review period. One of the households conducted two of the flagged transactions and shopped at four other store including a super store during the review period. Another household conducted 13 flagged transactions at Appellant but also shopped at seven other stores during the review period including super stores and supermarkets. The statements offered inadequate to fully explain the irregular transactions cited in the charge letter.

## Receipts and Photographs

Appellant provided eight pages of cash register summary receipts and some POS receipts. These receipts do not itemize the items that were purchased with the SNAP transactions and therefore are not evidence that the questionable transactions were for eligible food items only..

Appellant submitted 12 photographs. Five of the photographs were of candy bars and soda that Appellant sold and the other seven photographs were of the outside of the store. These photographs offer no explanations or evidence that the questionable transactions were for eligible food items only.

## No Previous Violations

Counsel states that Appellant has not had any previous violations. 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 mitigate the impact of the violations. There is no provision in the Act or regulations that reverses or reduces a sanction based upon a lack of prior violations by a firm and its owners, managers and/or employees. Further, the regulations stipulate “FNS shall disqualify a firm permanently if personnel of the firm have trafficked as defined in §271.2.”

## Evidence

The transactions reports are derived from the ALERT system, a computerized fraud detection tool to identify SNAP transactions that form patterns having characteristics indicative of trafficking. However, this tool does not by itself determine or conclude that trafficking has occurred. The Retailer Operations Division must still conduct an extensive analysis of the transaction data and patterns, often with other factors such as, in this case, observations from store visits, an analysis of customer shopping behavior and a comparison of stores in the area, and render a determination whether the questionable transactions were, more likely than not, the result of trafficking.

The legality of this method is supported by 7 CFR §278.6(a) which 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.]

The documentation and evidence provided by the Retailer Operations Division was thoroughly examined. From all indications, the Retailer Operations Division obtained the EBT data (provided by ALERT), found it to be suspicious in comparison to other area stores of similar size, and then undertook a thorough investigation before concluding that trafficking was likely occurring.

Appellant bears the burden of demonstrating by a preponderance of the evidence that the

administrative actions should be reversed and that the transactions detailed in the charge letter were more likely than not due to the legitimate sale of eligible food in exchange for SNAP benefits. Appellant offered no relevant evidence to prove that the transactions listed in the charge letter were legitimate purchases of eligible food. In the absence of compelling information or documentation weighed in comparison to the evidence provided by the Retailer Operations Division, the evidence weighs in favor of the Retailer Operations Division's determination that SNAP-benefit trafficking substantially produced the transaction activity at issue in the present case.

## Summary

In summary, Appellant's layout, business structure, and food inventory do not support a high percentage of transactions markedly exceeding the average SNAP transaction amount of similar type stores. 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. Therefore, based on this empirical data, and in the absence of evidence to legitimize 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.

## CIVIL MONEY PENALTY

In its administrative review request, the Appellant, through counsel, requested a trafficking CMP in lieu of a permanent disqualification. However, Appellant did not timely **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. SNAP regulations at 7 CFR § 278.6(b)(2)(iii) states that "if a firm fails to request consideration for a civil money penalty in lieu of a permanent disqualification for trafficking and submit documentation and evidence of its eligibility **within the 10 days** specified in § 278.6(b)(1), the firm **shall not be eligible** for such a penalty." [Emphasis added.]

Even if a timely request had been submitted, Appellant would likely not have been eligible for a trafficking CMP in lieu of disqualification because there is insufficient evidence to demonstrate that the firm had established and implemented an effective SNAP compliance policy and program prior to the violations. With its review request, Appellant only submitted some statements from the owner and a store employee regarding and did not provide any contemporaneous documents with records of dates of initial training sessions and refresher training.

The criteria for a trafficking CMP in lieu of disqualification as defined under 7 CFR § 278.6(i) reads, in part:

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 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

....

Regarding compliance policy standards, 7 CFR 278.6(i)(1) further states, in part:

As specified in Criterion 1 above, in determining whether a firm has established an effective policy to prevent violations, FNS shall consider written and dated statements of firm policy which reflect a commitment to ensure that the firm is operated in a manner consistent with this part 278 of current [SNAP] regulations .... As required by Criterion 2, such policy statements shall be considered only if documentation is supplied which establishes that the policy statements were provided to the violating employee(s) prior to the commission of the violation. In addition, in evaluating the effectiveness of the firm's policy and program to ensure FSP compliance and to prevent FSP violations, FNS may consider the following:

- (i) Documentation reflecting the development and/or operation of a policy to terminate the employment of any firm employee found violating FSP regulations;
- (ii) Documentation of the development and/or continued operation of firm policy and procedures resulting in appropriate corrective action following complaints of FSP violations or irregularities committed by firm personnel;
- (iii) Documentation of the development and/or continued operation of procedures formal review of firm employees' compliance with FSP regulations ....

Regarding compliance policy standards,

7 CFR § 278.6(i)(1) states, in part:

... in determining whether a firm has established an effective policy to prevent violations, FNS shall consider written and dated statements of firm policy which reflect a commitment to ensure that the firm is operated in a manner consistent with this part 278of current SNAP regulations .... [Emphasis added.]

Regarding training program standards, 7 CFR § 278.6(i)(2) states, in part:

A firm which seeks a civil money penalty in lieu of a permanent disqualification shall document its training activity by submitting to FNS its dated training curricula and records of dates training sessions were conducted; a record of dates of employment of firm personnel; and contemporaneous documentation of the participation of the 11 violating employee(s) in initial and any follow-up training held prior to the violation(s). [Emphasis added.]

Appellant did not submit any such documentation. 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 Appellant's EBT transaction record was the primary basis for its determination to permanently disqualify Appellant. This data provided substantial evidence that the questionable transactions during the review period had characteristics that are consistent with trafficking violations in SNAP benefits. 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 occur as charged by the Retailer Operations Division. The determination to impose a permanent disqualification against Appellant is sustained.

The Retailer Operations Division also determined that Appellant was not eligible for a trafficking civil money penalty according to the terms of 7 CFR Section 278.6(i) of the SNAP regulations. Under review, the denial of a trafficking CMP was deemed correct and proper.

### **RIGHTS AND REMEDIES**

Applicable rights to a judicial review of this decision are set forth in 7 USC § 2023 and 7 CFR § 279.7. 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 the Appellant's owners 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, 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.

MARY KATE KARAGIORGOS  
Administrative Review Officer

June 26, 2019