

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

2234 East Side Deli Inc,

Appellant,

V.

Retailer Operations Division,

Respondent.

Case Number: C0198954

FINAL AGENCY DECISION

It is the decision of the USDA that the record indicates that 2234 East Side Deli Inc., (hereinafter Appellant) committed violations of the Supplemental Nutrition Assistance Program (SNAP). There is sufficient evidence to support a finding that the permanent disqualification from participation as an authorized retailer in the program, 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(c) and (e)(1) in its administration of the SNAP, when it assessed a permanent disqualification against Appellant by letter dated October 28, 2020.

AUTHORITY

7 U.S.C. § 2023 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

By charge letter dated May 12, 2017, Retailer Operations Division informed ownership that Appellant was in violation of the terms and conditions of the SNAP regulations, 7 CFR § 271 – § 278, based on EBT benefit transactions that "establish clear and repetitive patterns of unusual, irregular, and inexplicable SNAP activity for your type of firm." The charge letter stated, in relevant part, that “As provided by Section 278.6(e)(1) of the SNAP regulations, the sanction for trafficking is permanent disqualification.”

In correspondence dated May 18, 2017, Appellant replied to the charge letter and generally stated that the USDA has charged and wrongfully concluded that this firm has engaged in trafficking activities as defined in Section 271.2 of the SNAP regulations. Such an erroneous conclusion was apparently based solely on a faulty analysis of records, with no additional or further investigation. My client vehemently denies that he or anyone involved with or employed by this firm has engaged in such activities. Appellant, through counsel, stated that there is no other evidence that shows the firm's intent to violate the regulations. Counsel indicated that he was informed that since being authorized to accept Food Stamps the owner has continuously trained and tested his employees concerning the Supplemental Nutrition Assistance Program regulations and requirements relating to the prohibitions against sales of ineligible items and exchanging cash for Electronic Benefit Transfer Food Benefits.

During this time the vendor has maintained an exemplary record. The store is at all times well stocked with staple food inventory specifically designed to accommodate those low-income customers who regularly purchase items with SNAP benefits. It is respectfully submitted that as there is no other basis to disqualify this vendor from SNAP, in lieu of disqualification, FNS should subject this vendor to a civil money penalty in that as per Section 278.6(a), disqualification would cause hardship to participating households and this vendor requests an immediate hearing to determine same. It is submitted that there are no other similar providers or eligible SNAP providers in the immediate area, and as such disqualification would result in hardship to the community.

Appellant, through counsel, stated that regular customers will often call the store by telephone to place their large grocery orders, and then personally pick-up these orders at which time they pay for the telephone orders and purchase additional items, which they cannot do at a supermarket. The business practices that cause the using of individual benefit accounts in short time frames or large purchase transactions are not for any unlawful purpose. It is designed to accommodate the needs of regular and repetitive customers of this business. The USDA has failed to establish intent, which is an essential element of the basis for its decision to permanently disqualify this vendor from the SNAP.

The record reflects that Appellant, through counsel, submitted a Freedom of Information Act (FOIA) request in its May 18, 2017 reply to the charge letter. Retailer Operations Division processed the request and counsel received the requested information via correspondence dated June 6, 2017. In correspondence dated August 30, 2017, counsel appealed the June 6, 2017, FOIA response. The record reflects that Retailer Operations Division completed the FOIA appeal by correspondence dated August 27, 2020, with the 10-day request for response letter sent August 31, 2020 and received on September 2, 2020.

Retailer Operations Division gave consideration to the Appellant's reply, through counsel, and evidence of the case, and issued a determination letter dated October 28, 2020. This letter informed Appellant that it was permanently disqualified from the SNAP in accordance with Sections 278.6(c) and 278.6(e)(1) of the SNAP regulations. The letter also stated that Retailer Operations Division considered Appellant's eligibility for a trafficking civil money penalty (CMP) according to the terms of Section 278.6(i) of the SNAP regulations. However, Retailer Operations Division determined that Appellant was not eligible for the CMP because it failed to

submit sufficient evidence to demonstrate that Appellant had established and implemented an effective compliance policy and program to prevent violations of the SNAP.

In a letter dated October 31, 2020, Appellant, through counsel, appealed the Retailer Operations Division's assessment and requested an administrative review of this action. The appeal was granted.

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 an 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 & Nutrition Act of 2008, as amended, 7 U.S.C. § 2021 and 278 of Title 7 of the Code of Federal Regulations (CFR). Part 278.6(a) (c) and (e)(1)(i) establish the authority upon which a permanent disqualification may be imposed against a retail food store in the event that personnel of the firm have engaged in trafficking SNAP benefits.

7 CFR § 278.6(a) states, *inter alia*, that “FNS may disqualify any authorized retail food store...from further participation in the program 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 ...”

7 CFR § 278.6(c) reads, in part, “*Review of Evidence.* The letter of charges, the response, and any other information available to FNS shall be reviewed and considered by the appropriate FNS regional office, which shall then issue the determination. In the case of a firm subject to permanent disqualification under paragraph (e)(1)...the determination shall inform such a firm that action to permanently disqualify the firm shall be effective immediately upon the date of receipt of the notice of determination from FNS...”

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.” Trafficking is defined, in part, in 7 CFR § 271.2, as “the buying or selling of SNAP benefits for cash or consideration other than eligible food.”

7 CFR § 271.2 states in part that, “Eligible foods mean: Any food or food product intended for human consumption except alcoholic beverages, tobacco and hot food and hot food products prepared for immediate consumption.”

SUMMARY OF CHARGES

The charges on review were based on an analysis of SNAP electronic benefit transfer (EBT) transactions dated during the four-month period of January 2017 through April 2017. This involved two patterns of EBT transaction characteristics indicative of trafficking:

1. Multiple transactions were made from individual benefit accounts in unusually short time frames.
2. Excessively large purchase transactions were made from recipient accounts.

The first 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

The Appellant, through counsel, made the following summarized contentions in its response to the permanent disqualification letter issued by Retailer Operations Division, and its request for administrative review, in relevant part:

1. There is no other evidence that shows the firm's intent to violate the regulations.
2. I am informed that the owner of this business, since being authorized on January 5, 2012 has continuously trained and tested his employees concerning the SNAP regulations and requirements relating to the prohibitions against sales of ineligible items and exchanging cash for EBT benefits. Furthermore, during this time the owner has maintained an exemplary record. Such an unblemished record is evidence of his continued compliance with the law and his training and supervision of his employees.
3. The store is at all times well stocked with staple food inventory, has numerous shelving for eligible foodstuffs, two refrigerators with six doors and three separate freezers for meats, cold cuts, and frozen foods with a separate freezer for ice cream and other deserts. It has a deli counter with a vast array of sandwiches, selling a variety of cold cuts on rolls, subs and other bread which is one of the owner's best-selling items.
4. In lieu of disqualification, FNS should subject this owner to a civil money penalty in that disqualification would cause hardship to participating households.
5. The baby food items are expensive with cans of Enfamil selling from \$20.00 to \$34.99, which is a common item sold in volume in this owner's store.
6. It is submitted that there are no other similar providers or eligible SNAP providers in the immediate area and as such disqualification would result in hardship to the community.
7. Regular customers will often call the store and place large grocery orders and then personally pick-up these orders at which time they pay for the telephone order and purchase additional items which they cannot do at a supermarket.
8. Attachment 1: These transactions are not unusual in these business practices and should not subject this owner to the irreparable harm of losing his livelihood. They occur as a result of these individuals coming to the owner to pick up items they need for convenience or while they are picking up their children from school or they transactions by low-income individuals who live nearby and frequent the store regularly.

9. Attachment 2: As a result, the recipients use much of the balance of their food stamp account in this owner's store. None were, or are, indicative of trafficking activities in this store and all resulted from well-established customers placing such advance large orders and paying for same when they were picked-up or delivered at a time when they needed to provide for their households.
10. If the agency averages out the amount of the purchases, one will find that the average purchase **5 U.S.C. § 552 (b)(6) & (b)(7)(C)** which is not unusual under these circumstances. During the past winter, customers only wanted to go out when they needed to and bought in bulk to avoid going out numerous times in the cold weather.
11. Furthermore, many of these transactions resulted from customers who had budgeted their benefits and some had placed telephone orders, and from deliveries at a particular time in the month when they know they can use the balance of their benefits for food and eligible items. While there are larger stores in the area, those supermarkets are not preferred by the residents, as they are crowded with long lines, selling the same items for similar prices.

Appellant, through counsel, did not provide any additional documentation during this review. The preceding may represent a brief summary of Appellant's contentions in this matter however, in reaching a decision, full attention has been given to all contentions presented, including any not specifically recapitulated or referenced herein.

ANALYSIS AND FINDINGS

The file indicates that in reaching a disqualification determination, Retailer Operations Division considered information obtained during a May 4, 2017, store visit to the business 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 EBT transactions at Appellant that formed patterns indicative of trafficking. The firm review summary documented the following store size, description, and characteristics:

1. One cash register and one POS device with a small counter area partially obstructed by other smaller items available for sale.
2. Estimated to be approximately 900 square feet.
3. No shopping baskets or carts available for customers.
4. No adding machines or optical scanners were available at checkout. No specialty registers present.
5. Store does not operate through a night window or plastic barrier with food stock behind the barrier.
6. No evidence of wholesale business such as posted prices or separate entrances for wholesale customers.
7. No unusual pricing structure such as ending most products with 00 cents and does not round transaction totals.
8. No food stored in an area outside of public view.
9. No storage freezers or coolers and no food stored off site.
10. Store is not primarily selling one food type such as meat, poultry, dairy, seafood, fruits, baked goods, or vegetables.

11. Store does not take telephone or online orders and does not offer delivery
12. Highest priced eligible food items were Cereal (\$5.99), Enfamil Powder (\$19.99), Lunchmeat (\$7.99) and Cheese (\$6.99).
13. Store stocks a significant amount of non-food items such as but not limited to paper products, household products, tobacco products, clothing items, pet food items, health and beauty aids, and cleaning products.
14. Store stocks limited amounts of dairy products, bread and cereal products, fruit and vegetable products and meat, poultry, and fish products. No fresh fruits or produce, no fresh meat or poultry. Most meats are canned, packaged, or frozen.
15. A kitchen/prepared food area with a prominent menu board of available items.
16. Hot foods sold for onsite consumption.
17. A deli or prepared food section. Report shows stock is not used in food preparation however per store visit pictures it is apparent that the bread and lunchmeat and cheeses are used to make the prepared foods on the menu board.
18. No meat or seafood specials or bundles or fruit/vegetable boxes sold.
19. The stocking pattern of this firm at the time of the contractor visit is consistent with that of a small grocery store. As the variety of items available for purchase is limited, it is not plausible that people would make multiple, large purchases at this firm or travel any distance to shop with this firm. Appellant does not appear to stock any expensive food items or any ethnic food items not available at other retailers in the area.

The second issue for consideration is whether Retailer Operations Division has presented a convincing case that Appellant likely trafficked in SNAP benefits. Each attachment furnished with the charge letter represents the questionable and unusual patterns of SNAP transactions indicative of trafficking which were conducted at Appellant's store during the review period. As there is more than one pattern of irregular transactions, the case of trafficking becomes more convincing.

Attachment 1 of the Charge letter – Multiple transactions were made from individual benefit accounts in unusually short time frames.

During the review period there were 39 sets of 79 SNAP transactions that met the parameters of this attachment. Multiple transactions conducted by the same household account within short time frames is a method which violating stores use to avoid the detection of single high dollar transactions that cannot be supported by the retailer's inventory and structure.

Multiple large purchases by the same household at a small grocery stores, with minimal stock, within a short period of time is not typical of how customers normally purchase food and is in fact an indicator of trafficking. In addition, the contractor store visit and photographs of the store's stock did not support most of the large transactions listed in this Attachment. Also, the store did not have any carts, which would have been needed to transport large purchases inside and outside the store. Furthermore, it is illogical that a low-income person (such as a SNAP recipient) would purchase a large amount of food at a small store like 2234 East Side Deli, when vastly larger stores with lower prices are in proximity of their home.

Appellant, through counsel, contends that there are no other similar providers or eligible SNAP

providers in the immediate area and as such disqualification would result in hardship to the community. Appellant further contends that regular customers will often call the store and place large grocery orders and then personally pick-up these orders at which time they pay for the telephone order and purchase additional items which they cannot do at a supermarket. Additionally, the Attachment 1 transactions are not unusual in these business practices and should not subject this owner to the irreparable harm of losing his livelihood. They occur as a result of these individuals coming to the owner to pick up items they need for convenience or while they are picking up their children from school or they transactions by low-income individuals who live nearby and frequent the store regularly.

With regard to these contentions, it is important to note that the SNAP transactions identified 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 store's layout, the extent of the Appellant's stock and facilities and are indicative of trafficking. It is acknowledged that customers will sometimes forget an item or two and decide to purchase it after they've already completed their transaction. In such instances, it is reasonable to expect the subsequent purchase to be for a nominal amount however, in a number of the questionable transactions in this Attachment, the subsequent transactions were for amounts that exceed any nominal, afterthought purchase. In some cases, the amounts of subsequent transactions exceeded the preceding transaction amount which is unusual and questionable. It is also noted that the timeline between some of the transactions does not coincide with paying for a phone-in order then paying for additional items once in the store.

It is important to note that the contractor's visit survey sheet indicated that Appellant did not accept telephone orders, as Counsel contends. Even if they did accept telephone orders, when picking up said telephone orders it might be possible that some recipients purchased a few additional items if they were forgotten during the call-in however, more than 60 of the 79 transactions in this Attachment **5 U.S.C. § 552 (b)(6) & (b)(7)(C)** which would be conducive to significantly more than just a few eligible food items. It is unlikely that most of the households in the charge letter conducted those types of transactions.

Again, the issue is not how often recipients visited, but how much they purchased during the visit. There were several nearby large stores with more stock and with lower prices, so most customers with limited resources, such as SNAP recipients, would have spent most of their benefits at the much larger stores. In addition, a review of other nearby authorized small grocery stores identified (within .28 of a mile) with comparable stock, the record reflects that, during the review period, Appellant's store had significantly more transactions in Attachment 1 and Attachment 2, than the three comparable firms analyzed in the record.

Appellant, through counsel, did not provide any additional documentation to support its claim that shoppers were making purchases of forgotten items and to justify all of the transaction sets in this Attachment. Based on the analysis above and Appellant's failure to adequately show that all of the transaction sets were as a result of legitimate SNAP purchases, a conclusion can be drawn, through a preponderance of evidence that the "unusual, irregular, and inexplicable" transaction patterns cited in Attachment 1 evidence trafficking as the most likely explanation.

Attachment 2 of the Charge letter - Excessively large purchase transactions were made from recipient accounts.

During the review period, there were 373 SNAP transactions that met the parameters of this attachment. Based on the results of the contracted store visit, the large transaction amounts are not consistent with the store's inventory of low-priced foods. The firm does not offer food in bulk or any ethnic or specialty foods that sell for a high price. Therefore, the substantial number of high dollar purchases calls into question the legitimacy of these transactions.

The record reflects, as seen in the store visit photos, the store had a small stock that did not support any of the contentions, and Appellant did not submit any additional information to support these contentions, such as invoices or register receipts. Counsel contends that well established customers paid for large orders when they were delivered or picked up.

5 U.S.C. § 552 (b)(6) & (b)(7)(C). It is noted that this admission places Appellant's average purchase amount much higher than the average purchase amount cited by Retailer Operations Division and as reflected in the record, much higher than the average purchase amount for other small grocery stores in the area, and based on the store's characteristics and available stock, appears to coincide more with the standing charge of trafficking.

It is also important to note that based on the contracted store visit, it was determined that Appellant did not sell eligible foods in bulk, nor were there any shopping carts or handbaskets available in which to carry the amount of eligible foods no doubt needed to support the large transaction amounts. Appellant's store is a mere 900 square feet, with limited stock, no fresh or frozen meat or seafood. Appellant's stock did not appear large enough to support many of the large transactions as cited in the charge letter.

Appellant, through counsel, contends that recipients preferred to shop at its store versus large super stores and/or supermarkets because Appellant's store was less crowded and had similar prices. This claim is questionable and unsupported as it would be more believable that the most important factors for most SNAP recipients would be price and not crowd size. Economics of scale would suggest that large supermarkets and superstores would have lower prices and larger quantities not similar to that of smaller stores like the Appellant's. Though it may be true that food costs are higher in New York, the higher prices are comparative and larger stores prices are normally lower than those of smaller stores thereby increasing the likelihood of SNAP recipients conducting most of their food shopping at the larger stores.

The record reflects that there are over 100 comparably or better stocked retailers within a one-mile radius of Appellant's store, to include 56 additional small grocery stores, 23 medium grocery stores, 5 large grocery stores, 6 supermarkets, and 10 superstores. There are 2 supermarkets and 2 superstores within a ¼ mile of Appellant. Retailer Operations also conducted an analysis of the shopping habits of four of the households identified in the charge letter. This analysis concluded that these households also shopped at other area grocery stores including full-line supermarkets and superstores that offer a much larger quantity and variety of eligible food items for likely better prices either on the same day or within days of visiting Appellant's firm. This again indicates that lack of access to other stores is not at issue. However, despite this access to large supermarkets and superstores, these households

consistently conducted much higher transactions at the Appellant firm than at better stocked supermarkets/superstores in and around the New York County area of New York. This is another strong trafficking indicator.

Appellant has offered no evidence to support their statements that the unusual transactions at the store were the result of eligible food sales or that the store is always well-stocked. Such evidence could have included invoices to support the store carried sufficient eligible food stock, customer statements, or register receipts, etc. Without such evidence, there doesn't appear to be a legitimate basis for customers to seek out the Appellant's store in lieu of one of the other authorized retailers processing SNAP redemption transactions within a mile of Appellant. Or why households were conducting transactions at Appellant's store while also completing transactions at larger better stocked stores during the same time frame.

Appellant, through counsel, contends that many of these transactions resulted from customers who had budgeted their benefits and some had placed telephone orders, and from deliveries at a particular time in the month when they know they can use the balance of their benefits for food and eligible items. While there are larger stores in the area, those supermarkets are not preferred by the residents, as they are crowded with long lines, selling the same items for similar prices.

As previously noted, a review of the contractor photos from that visit revealed no signage to suggest the firm offered telephone orders. The firm provided no evidence to support the attorney's statement that they offered telephone ordering. One would expect if the firm offered phone orders there would be some sort of signage in the store indicating that telephone ordering was offered by the firm. While it is possible the store offered phone ordering, this would not explain the Attachment 1 transaction sets. If a phone in order was placed, a second transaction for an incidental item might be added, but that would not typically be an amount considered inexplicable or unusual. It is noted that in some of the transaction sets, the second transaction in the set was completed **5 U.S.C. § 552 (b)(6) & (b)(7)(C)** later. This would not suggest purchasing an incidental item upon pick up of a call-in order.

It is important to note that Counsel submitted a FOIA request and received the requested documentation in 2017. Appellant had three (3) years in which to understand the charges and gather any and all evidence that would adequately support its position and contentions in this case. It is equally important to note that no additional documentation was provided during its response to the charge letter or during this review.

The transaction data and overall firm record convincingly demonstrate repetitive patterns of unusual, irregular, and inexplicable SNAP activity for this type of firm indicative of trafficking. Once Retailer Operations Division established the convincing case against Appellant, ownership bears the burden of proving, by a preponderance of the evidence, that the administrative action 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. If this is not demonstrated, the case is to be sustained.

As noted, 7 CFR § 278.6(a) states that FNS may disqualify any authorized retail food store if the

firm fails to comply with the Food and Nutrition Act of 2008, as amended, or this part. Such disqualification shall result from a finding of a violation on the basis of evidence that may include facts established through inconsistent redemption data, and evidence obtained through a transaction report under an electronic benefit transfer system.

Retailer Operations Division has presented a convincing case that Appellant has likely trafficked in SNAP benefits. This is evidenced by: the suspicious patterns in two attachments of EBT transaction data, the inadequacy of the firm's eligible food stock as observed and recorded during the onsite visit to support such large transactions, the lack of evidence of invoices of food in inventory to cover Appellant's reasoning for the SNAP transaction totals for the review months, the lack of adequate explanation for customer spending habits given that there are other SNAP authorized stores located within proximity to Appellant, and the irregular SNAP transaction data of Appellant as compared to other small grocery stores in the State.

Generally, stores caught in trafficking violations consistently display particular characteristic transaction patterns including those cited in the charge letter and, in the absence of evidence for the legitimacy of such transaction patterns, based on information submitted by the Appellant and a comparison of the store's characteristics and available stock to the transaction patterns cited in the charge letter, a conclusion can be drawn through a preponderance of evidence that the unusual, irregular, and inexplicable transactions and patterns evidence trafficking as the most likely explanation. While ownership was afforded the opportunity to provide valid explanations and evidence that support that the questionable transactions were the result of legitimate purchases of eligible food items, Retailer Operations Division determined that Appellant's contentions did not outweigh the evidence in the record.

The purpose of the administrative review process is to ensure that firms aggrieved by Retailer Operations Division' adverse actions have the opportunity to have their position fairly considered by an impartial review authority prior to that adverse action becoming final. Appellant has been duly given and has taken the opportunity to present to USDA through the administrative review process whatever evidence and information it deemed pertinent in support of its position that Retailer Operations Division' adverse action should be reversed. Therefore, any evidence and information that Appellant presented to Retailer Operations Division, as well as any such information submitted subsequently, have now been considered in this administrative review in rendering the final agency administrative decision in this case. The record does not indicate any departure from established policy or procedures with regard to Appellant's right to a fair and thorough review.

Ownership has not provided sufficient evidence to rebut the convincing case that Appellant most likely trafficked in SNAP benefits. As such, the SNAP regulations are specific with regard to the action that must be taken if personnel of the firm have trafficked, which is that FNS shall disqualify the firm permanently.

CIVIL MONEY PENALTY

The 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 dated May 17, 2017. Even if a timely request had been submitted, the 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. Therefore, the Retailer Operations Division' decision, not to impose a trafficking CMP in lieu of disqualification, is sustained as appropriate pursuant to 7 CFR § 278.6(i).

CONCLUSION

Retailer Operations Division' analysis of Appellant's EBT transaction record was the primary basis for its determination to permanently disqualify 2234 East Side Deli Inc. from participation in the SNAP. This data provided substantial evidence that the questionable transactions during the review period had characteristics that are consistent with trafficking in SNAP benefits. Therefore, based on a review of all the evidence in this case, it is more likely true than not true that program violations did, in fact, occur as charged by Retailer Operations Division. Based on the discussion herein, the determination to impose a permanent disqualification against 2234 East Side Deli Inc. is sustained.

RIGHTS AND REMEDIES

Your attention is called to Section 14 of the Food and Nutrition Act of 2008, as amended, (7 U.S.C. § 2023) and to Title 7, Code of Federal Regulations, Part 279.7 (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 (FOIA), 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.

Monique Brooks
ADMINISTRATIVE REVIEW OFFICER

April 5, 2021