

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

7 Days Mini Mart,

Appellant,

v.

Retailer Operations Division,

Respondent.

Case Number: C0227931

FINAL AGENCY DECISION

It is the decision of the U.S. Department of Agriculture (USDA), Food and Nutrition Service (FNS) that a permanent disqualification of 7 Days Mini Mart (hereinafter “Appellant”) from participation as an authorized retailer in the Supplemental Nutrition Assistance Program (SNAP) was properly imposed by FNS’s Retailer Operations Division.

ISSUE

The issue accepted for review is whether or not the Retailer Operations Division, in its administration of SNAP, took appropriate action, consistent with Title 7 Code of Federal Regulations (CFR) Part 278, when it imposed a permanent disqualification against 7 Days Mini Mart.

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.”

SUMMARY OF CHARGES

The Appellant was charged with trafficking and subsequently permanently disqualified from SNAP based on an analysis of EBT transaction data from September 2019 through February 2020. This involved the following transaction patterns which are common trafficking indicators:

- There were multiple transactions made from the accounts of individual SNAP households within a set time period.
- The firm conducted EBT transactions that were large based on observed store characteristics and recorded food stock.

CASE CHRONOLOGY

The agency's record shows that FNS initially authorized 7 Days Mini Mart for SNAP participation as a convenience store on July 26, 2019. In a letter dated April 14, 2017, 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 between the months of September 2019 and February 2020. The letter noted that the penalty for trafficking is permanent disqualification as provided by 7 CFR § 278.6(e)(1). The letter also stated that the Appellant could request a civil money penalty (CMP) in lieu of permanent disqualification for trafficking, but noted that such a request must be made and supporting documentation submitted within 10 days of receipt of the charge letter under the conditions specified in 7 CFR § 278.6(i).

In an e-mail dated April 22, 2020, the Appellant responded to the charges, stating that the transactions deemed questionable by FNS were not trafficking, but legitimate customers buying merchandise allowed by SNAP guidelines. The Appellant stated that the store is connected to the community and that customers buy more items when the firm has them in stock. According to the Appellant, the firm's core values are customer focus, trust, and integrity, and the Appellant takes these values very seriously. The Appellant stated that its customers will feel discriminated against if the store limits them from purchasing what they need.

To demonstrate improvement within its operations, the Appellant stated that it would be removing the firm's basic cash register and replacing it with a point-of-sale system complete with a scanner and detailed electronic reports. This is a big investment for a small business, but the Appellant is making the change to show good faith.

Finally, the Appellant stated that the building in which the store is located suffered a water leakage in February 2020, and some of its paperwork from December and January was destroyed.

In support of its response, the Appellant submitted a copy of a monetary proposal for leasing a point-of-sale system from Retail Data Systems. The written estimate is dated April 16, 2020. The Appellant also provided 164 EBT point-of-sale receipts along with corresponding cash register receipts. Though not in any particular order, the receipts appear to largely correspond to the SNAP transactions listed in the charge letter attachment. There is no indication that the Appellant requested a CMP in lieu of disqualification or that it provided any evidence of a compliance policy or training program.

After evaluating the Appellant's response and further considering the evidence in the case, the Retailer Operations Division concluded that trafficking had occurred as charged and issued a determination letter dated June 8, 2020. This letter informed the Appellant that it would be permanently disqualified from SNAP upon receipt of the letter in accordance with 7 CFR § 278.6(c) and § 278.6(e)(1). The letter also stated that 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, but that a CMP was not appropriate in this case 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 SNAP violations. In a letter postmarked June 18, 2020, the Appellant appealed the Retailer Operations Division's determination by requesting an administrative review. The request was granted.

STANDARD OF REVIEW

In an appeal of adverse action, such as disqualification from SNAP participation, an appellant bears the burden of proving by a preponderance of the evidence that the administrative action should be reversed. This means that 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 AND REGULATIONS

The controlling law in this matter is found in the Food and Nutrition Act of 2008, as amended (7 U.S.C. § 2021), and promulgated through regulation under Title 7 CFR Part 278. In particular, 7 CFR § 278.6(a) and (e)(1)(i) establish the authority upon which a permanent disqualification may be imposed against a retail food store or wholesale food concern.

7 U.S.C. § 2021(b)(3)(B) states, in part:

...[A] disqualification under subsection (a) shall be...permanent upon...the first occasion or any subsequent occasion of a disqualification based on the purchase of 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(a) states, in part:

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

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, in part:

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

7 CFR § 271.2 states, in part:

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

7 CFR § 278.6(b)(1) states, in part:

Any firm considered for disqualification...under paragraph (a) of this section...shall have full opportunity to submit to FNS information, explanation, or evidence concerning any instances of noncompliance before FNS makes a final administrative determination. The FNS regional office shall send the firm a letter of charges before making such determination. The letter shall specify the violations or actions which FNS believes constitute a basis for disqualification.... The letter shall inform the firm that it may respond either orally or in writing to the charges contained in the letter within 10 days of receiving the letter...

7 CFR § 278.6(c) states, in part:

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) of this section, 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, regardless of whether a request for review is filed in accordance with part 279 of this chapter.

7 CFR § 278.6(b)(2)(ii) states, in part:

Firms that request consideration of a civil money penalty in lieu of a permanent disqualification for trafficking shall have the opportunity to submit to FNS information and evidence... that establishes the firm's eligibility for a civil money penalty in lieu of a permanent disqualification in accordance with the criteria included in § 278.6(i). This information and evidence shall be submitted within 10 days, as specified in § 278.6(b)(1).

7 CFR § 278.6(b)(2)(iii) states:

If a firm fails to request consideration for a civil money penalty in lieu of a permanent disqualification for trafficking and submit documentation and evidence of its eligibility within the 10 days specified in § 278.6(b)(1), the firm shall not be eligible for such a penalty.

7 CFR § 278.6(i) states, in part:

FNS may impose a civil money penalty in lieu of a permanent disqualification for trafficking ... if the firm timely submits to FNS substantial evidence which demonstrates that the firm had established and implemented an effective compliance policy and program to prevent violations of the Program...

APPELLANT'S CONTENTIONS

The Appellant made the following summarized contentions in its request for administrative review, in relevant part:

- Appellant sent the Retailer Operations Division copies of all transaction receipts except for two months because it assumed that those months had been damaged by floodwater in

the basement of the store. However, those receipts had actually been moved to another shelf and the owner was distracted by the flooding and forgot to send them in.

- Customers bring in their family members to help carry items home, which is around the corner for most of them. The firm allows just one transaction per customer, and no split receipts, to avoid confusion when going over receipts.
- Appellant is supported by the community and is submitting affidavits from customers who do not want to see the store lose its SNAP authorization.
- The firm is also submitting inventory invoices from wholesale and other vendors in an effort to prove that the firm is not committing any violations.
- Some merchandise is delivered weekly, and once the store runs out, it has to wait until the next scheduled delivery. Vendors delivering products like Coke, Pepsi, milk, etc. deliver once a week or every two weeks.
- Some merchandise is purchased from wholesale companies. This requires a trip to the wholesale company, so when there are not enough employees to cover the store, the delivery of this merchandise may be delayed by a day.
- The store has several policies:
 - Process all transactions according to regulations.
 - All receipts and documents are saved in a closed cabinet.
 - Daily review of transactions to find errors or to provide training or disciplinary action for employees.
 - No credit for any customers.
 - No delay in processing transactions, which means that all transactions are to be processed at the time of purchase.
 - Conduct a weekly review for any issues and customer needs.
 - All personnel are required to participate in retailer training on the USDA website, including watching the YouTube video.
 - Daily reminders from the store owner regarding the do's and don'ts for debit and credit transactions, cigarettes, and EBT (only selling eligible items, and only one transaction per customer).
- The firm is in the process of purchasing a new POS system, with scanning and inventory capabilities. The cost of the system is very high, and to save money, the owner will be trained on how to become a tech person. This new system will help with monitoring, inventory, and ordering.
- The firm's core values are customer focus, trust, and integrity. The owner takes these values very seriously and there is no chance that trafficking is happening at the store.
- With COVID-19, it is hard for people to travel and purchase food from big supermarkets and wholesale stores. Appellant assumes that other stores in the area have had an increase of sales as well.

In support of its contentions, the Appellant submitted eight signed customer affidavits in support of the firm retaining its SNAP authorization as well as approximately 330 pages of inventory invoices (a single invoice often extending into multiple pages) from a variety of vendors. Most of the invoice evidence was from the six-month review period, but a number of invoices (perhaps 30 or so) were from outside of that period. The Appellant also submitted approximately 250 EBT point-of-sale receipts and corresponding itemized cash register receipts, most of which corresponded to the SNAP transactions listed in the charge letter.

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

ANALYSIS AND FINDINGS

A key issue for consideration in a case based on suspicious SNAP redemption data is whether or not the Retailer Operations Division adequately established that the Appellant firm engaged in the violation of trafficking. In other words, did the Retailer Operations Division, through a preponderance of the evidence, establish that it is more likely true than not true that the irregular and unusual transactions cited in the charge letter were the result of trafficking?

Contractor Store Visit

The case file indicates that in reaching a disqualification determination, the Retailer Operations Division considered not only the Appellant firm's EBT transactions, but also information obtained from a February 4, 2020, store visit which was conducted by an FNS contractor to observe the nature and scope of the firm's operation, stock, and facilities. This store visit information was used to ascertain if there were justifiable explanations for the firm's irregular SNAP transaction patterns. The store visit report and photographs documented the following store size, description, and characteristics:

- 7 Days Mini Mart is a small corner convenience store, roughly 500 square feet in size, operating in the city of Chester, Delaware County, Pennsylvania.
- At the time of the contractor's visit, the firm had no shopping carts or handheld shopping baskets, which is not unusual for stores of this size. Customer shopping in such stores generally purchase no more than they can carry in their arms.
- The store visit photographs show one cash register and agency records reflect the use of one EBT point-of-sale terminal for SNAP purchases.
- The store's staple food stock is marginal, and it appears that the store's inventory may have been insufficient for ongoing program eligibility, as the firm stock was deficient in the meat/poultry/fish staple food category.
- The report indicates that the store's inventory is typical of a convenience store, selling large amounts of SNAP-eligible, non-staple accessory food items, such as carbonated and uncarbonated drinks, snacks, and candy. The store also sells ineligible nonfood items, including tobacco products, health and beauty items, cleaning supplies, and other miscellaneous household merchandise.
- The checkout area is very small and the cash register and cashier are located behind a Plexiglas barrier. Transactions are conducted through an opening in the barrier. The countertop area in front of the cash register is very narrow and is not suitable for conducting large or rapid transactions as there is little space to place more than a few small items at a time.
- There is no indication from the store visit report that the firm has a special pricing structure. As best as this review can tell, most prices appear to end in 9, such as .99, which is typical of retail stores.

- There is also no indication that the firm has special food packages for sale or that items are sold in bulk or by the case. According to the contractor, the most expensive food items in the store were containers of infant formula, selling for \$17.99 or \$18.49. All other items appeared to sell for less than \$5.00.
- The contractor noted that the store has a kitchen and deli counter, but indicated that these were not in use.

The available inventory of SNAP-eligible food at the time of the store visit showed stock that would be typical of a convenience store, where households normally purchase a limited number of items to supplement their overall dietary needs. There was no indication that SNAP households would be inclined to regularly visit 7 Days Mini Mart to purchase large quantities of groceries, especially considering the very constricted checkout area, the absence of shopping carts and baskets, and the availability of much larger grocery stores in the area, including a full-service superstore located approximately a mile away. Given the available inventory and the store's characteristics, this review could find no reason why the Appellant firm's SNAP redemption patterns differed so significantly from those of its competitors.

SNAP Transaction Analysis

Charge Letter Attachment 1: Multiple transactions were made from the accounts of individual SNAP households within a set time period. This attachment lists 32 sets of transactions (72 transactions in all) 5 U.S.C. § 552 (b)(6) & (b)(7)(C). 5 U.S.C. § 552 (b)(7)(E).

For example, 5 U.S.C. § 552 (b)(6) & (b)(7)(C), an extraordinary amount for a convenience store with no shopping carts or shopping baskets and minimal staple food inventory. 5 U.S.C. § 552 (b)(6) & (b)(7)(C). It is difficult to comprehend what was available at 7 Days Mini Mart that was not available at the supermarket just a short time later.

5 U.S.C. § 552 (b)(6) & (b)(7)(C).

5 U.S.C. § 552 (b)(6) & (b)(7)(C). Similar patterns with other households are found throughout Attachment 1. Such transactions at a convenience store like 7 Days Mini Mart are highly irregular and are often an indication of trafficking.

The Appellant contends that the firm allows just one transaction per customer, and no split receipts, so as to avoid confusion when going over receipts. While such a practice might prevent a customer from making multiple purchases in a matter of seconds or minutes, this practice does not explain why customers would repeatedly return to this small convenience store to make large purchases when a single trip to a nearby supermarket would likely be sufficient.

It is common for multiple members of the same household to use the EBT card at different times on the same day. It is also common for a customer to make a purchase and then a short time later realize that he or she forgot an item or two. Such incidents regularly play out at stores of all types across the country and are valid reasons for an occasional incident in which multiple transactions are close together. But the repetitive transactions in Attachment 1 are so frequent and so large at 7 Days Mini Mart, especially in comparison to other stores of similar size, that there appears to

be something beyond normal shopping occurring at the store. It is the finding of this review that trafficking was a likely cause of the transaction patterns listed in this attachment.

Charge Letter Attachment 2: The store conducted EBT transactions that were large based on observed store characteristics and recorded food stock. This attachment lists 253 SNAP transactions 5 U.S.C. § 552 (b)(6) & (b)(7)(C). These large transactions are not consistent with a convenience store in the state of Pennsylvania. The Retailer Operations Division has determined that during the review period, the average SNAP transaction for a convenience store in Pennsylvania was \$8.42. In Delaware County, the average was a bit higher, at \$8.84 per transaction, but the average transaction in Attachment 2 is more than six times larger than the average purchase amount for this store type.

Given that the Appellant firm has a modest inventory of staple foods as well as other SNAP-eligible items, including snacks and drinks, it is probable that there would be an occasional purchase where the transaction amount is high, 5 U.S.C. § 552 (b)(6) & (b)(7)(C). As such, it is likely that there are some legitimate SNAP transactions listed in Attachment 2. However, as noted earlier, there is little evidence that the firm would be likely to have SNAP redemption patterns that differ significantly from similar-sized competitors in the area. The substantial number of high-dollar transactions in a six-month period calls into question the legitimacy of these transactions.

Attachment 2 lists 26 transactions 5 U.S.C. § 552 (b)(6) & (b)(7)(C) during the review period, including a high of 5 U.S.C. § 552 (b)(6) & (b)(7)(C). 5 U.S.C. § 552 (b)(6) & (b)(7)(C). Considering how many food items it would typically take to add up 5 U.S.C. § 552 (b)(6) & (b)(7)(C), and considering that the store has a very small checkout area and no shopping carts or baskets to help a customer transport large amounts of food, and considering that nearly every SNAP-eligible item in the store sells for less than \$5.00, this review finds it difficult to believe that every large transaction in Attachment 2 was a legitimate purchase of eligible food.

The Appellant contends that customers will take family members, such as grandchildren, with them to the store to help carry items home. This explanation implies that with additional hands, customers are able to carry more items around the store and then take them home, even if shopping carts or baskets are not available. While this anecdotal explanation is certainly plausible on occasion, this review finds it unlikely that this scenario would occur as frequently as Attachment 2 would suggest.

To support its claim that the firm was not engaged in trafficking, the Appellant has submitted a large number of itemized cash register receipts that correspond to transactions listed in Attachment 2, as well as inventory invoices and signed customer affidavits. These will be addressed separately later in this document.

This review does not doubt that 7 Days Mini Mart sells eligible food items and conducts legitimate SNAP business. But when unusually large transactions form patterns that are substantially different from comparable stores in the area, compelling evidence from the Appellant is warranted to verify that there is not something more, such as trafficking or other

program violations, taking place. In this case, this review finds that the Appellant's explanations and evidence do not adequately demonstrate that what took place between the customers and cashiers at the point of sale was legitimate. Accordingly, it is the finding of this review that trafficking was a likely cause of the unusual transaction patterns found in Attachment 2.

Except for the rule that SNAP benefits are to be used only for the purchase of eligible food, the regulations do not govern or mandate how a SNAP household should spend its benefit allotment, including how many times a household may use its EBT card at a particular location or how large an individual transaction can be. However, the transactions noted in the charge letter are not questionable because they exceed any limits for use, but because they display patterns of use that are inconsistent with the store's documented physical characteristics and food inventory. It should be further noted that the transactions identified in the charge letter are not marginally abnormal, but decidedly so, especially in comparison with other nearby SNAP-authorized stores with similar characteristics. This review does not contend that repetitive or large EBT transactions are overtly suspicious when they occur on an occasional or intermittent basis, but when such transactions form questionable patterns on a consistent basis over a substantial period of time, such activity is considered highly irregular, and a firm's intent to comply with program regulations is called into question.

In an appeal of adverse action, the onus is on the Appellant to prove, by a preponderance of the evidence, that the administrative action should be reversed. This means submitting sufficient and compelling evidence that would lead a reviewer to conclude that trafficking did not occur. Unfortunately, the Appellant's contentions and evidence do not meet this standard.

Appellant's Evidence

As noted earlier, the Appellant has submitted a large amount of documentation to support its claim that the firm was not involved in trafficking. This evidence includes itemized cash register receipts, inventory invoices, and customer affidavits.

Cash Register Receipts

With regard to the cash register receipts, it is probably inaccurate to consider them "itemized." While they do list the number of items purchased along with a corresponding price, there is no indication as to what was actually purchased. Below are two examples:

5 U.S.C. § 552 (b)(6) & (b)(7)(C)

Nearly every transaction on nearly every receipt is listed as either "Dept 013" or "Sand," with a few "Dept 014" or "Dept 018" codes mixed in. The Appellant has offered no clues as to what these codes mean. "Sand" could be reasonably supposed to represent the purchase of a sandwich, but as noted in the inspector's store visit report, the firm does not sell sandwiches, and the deli/kitchen area was not being utilized by the firm for the preparation of sandwiches or other meals. As such, this review has no way of knowing if the items listed on these receipts were eligible food items or nonfood items or if they were merchandise at all.

Additionally, many of the prices do not appear to correspond with any products in the store. For instance, 5 U.S.C. § 552 (b)(6) & (b)(7)(C).

Some of the Appellant's receipts also show that SNAP transactions included sales tax even though tax is not permitted to be charged on purchases paid for with SNAP benefits.

It should also be reiterated that this store does not have shopping carts or shopping baskets for customer use. 5 U.S.C. § 552 (b)(6) & (b)(7)(C). In most instances, it would be difficult to make such purchases without the use of a shopping cart or basket to help transport large amounts of food.

It is the finding of this review that the Appellant's cash register receipts provide very little insight into the individual transactions in question, and thus, have limited evidentiary value. Without a clearer picture of what actually transpired between the customer and the cashier at the point of sale, it is reasonable for this review to conclude that the transactions listed in the charge letter were likely the result of trafficking.

Inventory Invoices

As for the inventory invoices, the bulk of the invoices reflect purchases of snack foods and drinks, along with a small amount of staple foods and nonfoods. Inventory records can be useful to demonstrate to FNS that a firm had sufficient stock to cover the total amount of its SNAP redemptions during a review period or to confirm that it purchased certain products claimed by an appellant to be significant sellers at the store. However, the invoices in this matter do not persuade this review to reverse the disqualification determination as they offer little insight into what transpired at the point of sale and do not adequately explain the unusual transaction patterns listed in the charge letter.

Customer Affidavits

As to the eight customer affidavits, such documentation is unpersuasive. Customers engaging in trafficking violations are unlikely to admit to such conduct. Experience has shown that SNAP recipients rarely admit to trafficking, especially when such an admission could potentially expose them to administrative and/or criminal charges. Customer declarations, affidavits, and petitions routinely claim that questionable transactions are legitimate even when there is strong evidence to suggest otherwise.

Remaining Contentions

The Appellant's remaining contentions, including explanations about inventory delivery, store policies and values, and its reference to the COVID-19 pandemic have little bearing on this matter as they do not directly address the transaction patterns or suspected violations outlined in the April 14, 2020 charge letter. It should be noted that the six-month review period in this case ended on February 29, 2020, which is before the COVID-19 pandemic took hold in the United States.

Remedial Actions Taken

The Appellant contends that it is investing in a new POS system with scanning and inventory capabilities. According to the Appellant, this expensive new system will help with monitoring, inventory, and ordering. To support this claim, the Appellant provided the Retailer Operations Division a copy of the cost estimate for this new system. The date on the estimate is April 16, 2020, which is the day after the Appellant received the charge letter.

With regard to this action taken by the Appellant, it must be made clear that this review is limited to the facts that existed at the time the violations were committed. This review has no authority to consider any subsequent remedial actions that may have been taken or that will take place so that a store may enhance or begin to comply with program requirements. In addition, there are no provisions in the SNAP regulations for a waiver or reduction of an administrative penalty on the basis of alleged or planned corrective actions implemented after the discovery of program violations.

Civil Money Penalty

The Retailer Operations Division determined that the Appellant firm was not eligible for a civil money penalty in lieu of permanent disqualification for trafficking because it did not submit sufficient evidence to demonstrate that it had established and implemented an effective compliance policy and program to prevent SNAP violations.

In accordance with regulations at 7 CFR § 278.6(b)(2), in order for a CMP to be considered, a firm must not only notify FNS that it desires the agency to consider a trafficking CMP in lieu of permanent disqualification, but it must also submit appropriate supporting documentation within 10 days of receipt of the charge letter. The case record shows that the Appellant did not request a trafficking CMP when it replied to the charge letter and there is no evidence that the Appellant submitted any documentation that would indicate that the firm had a compliance policy or program of any kind.

Therefore, in accordance with 7 CFR § 278.6(b)(2)(iii) and § 278.6(i), a civil money penalty in lieu of permanent disqualification for trafficking is not an option in this case.

CONCLUSION

An analysis of the Appellant's EBT transaction record was the primary basis for the decision by the Retailer Operations Division to permanently disqualify 7 Days Mini Mart from SNAP participation. This data provided sufficient evidence for this review to conclude that the questionable transactions and patterns listed in the charge letter were more likely than not the result of trafficking violations committed by the Appellant. Likewise, the Appellant has not proven, by a preponderance of the evidence, that the administrative action should be reversed.

Based on a review of all available information in this case, the decision to impose a permanent disqualification against the Appellant, 7 Days Mini Mart, under the ownership **5 U.S.C. § 552 (b)(6) & (b)(7)(C)**, is sustained.

RIGHTS AND REMEDIES

Applicable rights to a judicial review of this decision are set forth in Section 14 of the Food and Nutrition Act of 2008 (7 U.S.C. § 2023) and in Section 279.7 of the SNAP regulations. 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 owner resides or is engaged in business, or in any court of record of the State having competent jurisdiction. If a complaint is filed, it must be filed within 30 days of receipt of this decision. The judicial filing timeframe is mandated by the Act, and this office cannot grant an extension.

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.

JON YORGASON
Administrative Review Officer

August 7, 2020