

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

**Central Halal Market & Deli LLC,**

**Appellant,**

**v.**

**Retailer Operations Division,**

**Respondent.**

**Case Number: C0184995**

**FINAL AGENCY DECISION**

It is the decision of the U.S. Department of Agriculture (USDA), Food and Nutrition Service (FNS), that there is sufficient evidence to support a finding that a Permanent Disqualification from participation as an authorized retailer in the Supplemental Nutrition Assistance Program<sup>1</sup> was properly imposed against Central Halal Market & Deli LLC (hereinafter “Central Halal Market & Deli LLC” or “Appellant”), and its owner of record, by the Retailer Operations Division.

**ISSUE**

The issue accepted for review is whether the Retailer Operations Division took appropriate action, consistent with 7 CFR § 278.6(e)(1) in its administration of the Supplemental Nutrition Assistance Program (SNAP) when it imposed a Permanent Disqualification against Central Halal Market & Deli LLC in a letter dated November 9, 2017.

**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.”

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<sup>1</sup> Section 4001(b) of the Food, Conservation, and Energy Act of 2008 (P.L. 110-234; 122 Stat. 1092) amended the Food and Nutrition Act of 2008 by striking “food stamp program” and inserting “supplemental nutrition assistance program” effective October 1, 2008

## CASE CHRONOLOGY

The USDA conducted an investigation of the compliance of Appellant with federal SNAP law and regulations during the period between April 26, 2016 and May 25, 2017. As a result of the investigation a report titled USDA-FNS Report of Positive Investigation (hereinafter Investigative Report) number CH45687, dated August 15, 2017 was provided to the Retailer Operations Division for consideration.

The Investigative Report documents 14 visits to Appellant by a USDA Investigator. During 9 of the visits a person, self-identifying as the owner, is documented to have committed SNAP program violations including:

- Exchanging SNAP for non-food items, as defined in 7 CFR § 278.2(a). The non-food items included a jar of Vaseline, dishwashing liquid, a bottle of coconut hair oil, bleach, detergent, trash bags, and non-stick cookware as identified in Exhibits E, F, G, H, I, J and K of the Investigative Report.
- Extending a credit line with SNAP benefits, as referenced in 7 CFR § 278.2(e) as identified in Exhibits M and N of the Investigative Report.
- Exchanging 5 U.S.C. § 552 (b)(6) & (b)(7)(C) cash for 5 U.S.C. § 552 (b)(6) & (b)(7)(C) from the credit line provided from SNAP benefits as identified in Exhibit N. The exchange of SNAP for cash is **trafficking** as defined in 7 CFR § 271.2.

In a letter dated September 15, 2017 the Retailer Operations Division informed Central Halal Market & Deli LLC that it was charged with violating the terms and conditions of the SNAP regulations, 7 CFR § 271 – 282, specifically 7 CFR § 271.2 and 7 CFR § 278.2(a). The letter of charges, which included a copy of the Investigative Report, includes details of each visit as documented in Exhibits A through N, Appellant was specifically charged with trafficking in Exhibit N, therefore subject to permanent disqualification.

The letter of charges further provides Appellant information regarding the potential for the imposition of a civil money penalty (CMP) in lieu of permanent disqualification delineating the conditions for the consideration of that alternative sanction.

The Retailer Operations Division record indicates that on September 21, 2017, Appellant's self-declared owner called to indicate that he had not committed the violations cited in the Investigative Report; and, that he did not know the person referenced as "5 U.S.C. § 552 (b)(6) & (b)(7)(C)" in that same Investigative Report.

In written response dated October 2, 2017, provided by counsel on behalf of Appellant, requested a CMP in lieu of disqualification, providing information relevant to each of the four (4) criteria enumerated in 7 CFR § 278.6(i).

Following documented consideration of the verbal and written responses the Retailer Operations Division informed Central Halal Market & Deli LLC that it was permanently disqualified from participation as a retail store in the SNAP in a letter dated November 9, 2017.

The November 9, 2017 letter further advised Appellant that it was not eligible for a civil money penalty (CMP) in lieu of the permanent disqualification because it failed to submit sufficient evidence to demonstrate that an effective compliance policy and program had been established to prevent violations of SNAP.

Appellant, through counsel, submitted a request for administrative review, appealing the Retailer Operations Division's assessment via letter dated November 17, 2017. The appeal was granted as affirmed in a letter dated November 22, 2017.

### **STANDARD OF REVIEW**

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

### **CONTROLLING LAW AND REGULATIONS**

The controlling statute in this matter is contained in the Food and Nutrition Act of 2008, as amended (the "Act")<sup>2</sup>, 7 USC § 2021 and 278 of Title 7 of the Code of Federal Regulations (CFR).<sup>3</sup> Part 278.6(e)(1)(i) establishes 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 of SNAP benefits as defined in Part 271.2.

7 U.S.C. § 2021(b)(3)(B) states, in relevant 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 § 278.2(a) specifies, in relevant part, that "Coupons [benefits] may be accepted by an authorized retail food store only from eligible households, and only in exchange for eligible food." Further, the citation specifies that "Coupons [benefits] may not be accepted in exchange for cash...or for any other nonfood use."

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<sup>2</sup> Effective October 1, 2008, the Food Stamp Act of 1977 was superseded by the Food and Nutrition Act of 2008, as amended through P.L. 110-246, further amended through P.L. 113-79 effective February 7, 2014.

<sup>3</sup> Title 7 of the Code of Federal Regulations may be accessed in its entirety via the Internet at [https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title07/7tab\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title07/7tab_02.tpl)

7 CFR § 278.2(e) specifies, in relevant part, that “Food retailers may not accept coupons before delivering the food, retain custody of any unspent coupons, or in any way prevent an eligible household from using coupons in making purchases from other authorized firms.”

7 CFR § 278.6(e) states, in relevant part, “Penalties. FNS shall take action as follows against any firm determined to have violated the Act or regulations...”

7 CFR § 278.6(e)(1)(i) reads, in relevant part, “FNS **shall** disqualify a firm permanently if personnel of the firm have trafficked as defined in § 271.2.” [Emphasis Added]

7 CFR § 271.2 specifies, in relevant part, that “Trafficking means: ...

- (1) 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 or in complicity or collusion with others, or acting alone:
- (2) The exchange of firearms, ammunition, explosives, or controlled substances, as defined in section 802 of title 21, United States Code, for SNAP benefits;
- (3) Purchasing a product with SNAP benefits that has a container requiring a return deposit with the intent of obtaining cash by discarding the product and returning the container for the deposit amount, intentionally discarding the product and intentionally returning the container for other deposit amount;
- (4) Purchasing a product with SNAP benefits with the intent of obtaining cash or consideration other than eligible food by reselling the product, and subsequently intentionally reselling the product purchased with SNAP benefits in exchange for cash or consideration other than eligible food; or
- (5) Intentionally purchasing products originally purchased with SNAP benefits in exchange for cash or consideration other than eligible food.
- (6) Attempting to buy, sell, steal, or otherwise affect an exchange of SNAP benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers (PINs), or by manual voucher and signatures, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone.”

7 CFR § 278.6(f)(1) states, in relevant part, “FNS may impose a civil money penalty as a sanction in lieu of disqualification when the firm is selling a substantial variety of staple food items, and the firm’s disqualification would cause hardship to SNAP households...A civil money penalty for hardship to SNAP households **may not** be imposed in lieu of a permanent disqualification.” [Emphasis added]

7 CFR § 278.6(i) states, in relevant 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**...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...”  
[Emphasis added]

### **APPELLANT’S CONTENTIONS**

The November 17, 2017 letter requests administrative review and states that the request will be supplemented with supportive materials at a later date. In a letter dated December 20, 2017 Appellant, through counsel provides that the decision of the Retailer Operations Division to deny the imposition of a CMP in lieu of permanent disqualification is harsh, arbitrary and capricious; and, represents a clear abuse of the discretion provided within the regulations. It is contended that:

- Materials requested by FNS to support the imposition of a CMP in lieu of disqualification are onerous and unrealistic when applied to a business; and, run contrary to congressional intent as discussed in H.R. CONF.REP. No 101-916, at 1098 (1990). Therefore the materials provided in request for CMP dated October 1, 2017 should be considered to meet the obligations as defined in regulation.
- The record includes no indication that Appellant was ever apprised of its obligation to keep contemporaneous training and policy materials citing *Ghattas v. United States*, 40 F.3d, 284 (8<sup>th</sup> Cir.1994).
- The court of appeals defined substantial evidence as such relevant evidence as reasonable and adequate to support a conclusion that, absent express instruction to maintain records of written policy or documentation of training, the employees had been trained and knew of the prohibition of the sale of ineligible items; citing *Affum v United States*, 566 F. 3d 1150 (D.C Cir. 2009).

- Appellant is being placed under extreme hardship with the permanent disqualification which by extension has placed SNAP residents of the area in hardship as they seek a place to fulfill food needs absent personal transportation to alternative providers which represents an abuse of discretion.

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

## ANALYSIS AND FINDINGS

### **Harsh, Arbitrary and Capricious Determination in abuse of Discretion:**

As indicated Appellant contends that the determination of the Retailer Operations Division to impose a permanent disqualification instead of allowing a CMP is harsh, arbitrary and capricious, and represents a clear abuse of the discretion provided within the regulations. It is referenced that the materials requested by FNS in support of a request for CMP are onerous and unrealistic when applied to a business; run contrary to congressional intent; and fail to recognize the precedence set in *Ghattas v. United States*, 40 F.3d, 284 (8<sup>th</sup> Cir.1994); and, *Affum v United State*, 566 F. 3d 1150 (D.C Cir. 2009).

Appellant, through counsel, indicates that Central Halal Market& Deli LLC had established and maintained an effective policy and program to prevent violations of the SNAP regulations as referenced in 7 CFR § 278.6(i); evidenced by the details of the Investigative Report wherein there were numerous instances of refusal to violate the SNAP regulations despite the investigator's continued attempts to induce the clerk to do so. Further evidence is cited in Exhibit K wherein the clerk demonstrated annoyance at the continued efforts of the investigator to exchange cash for SNAP benefits.

The record documents that in Exhibit A the clerk, self-identifying as "5 U.S.C. § 552 (b)(6) & (b)(7)(C)" the owner refused to exchange toilet paper for SNAP benefits. In Exhibits B, C, D, L, and M the record does not indicate there was any attempts to either exchange ineligible or traffick by the investigator. Exhibits G, I, and K recount the refusal to exchange cash for SNAP (traffick), however in each of those exhibits ineligible items were exchanged for SNAP without noted comment. Exhibit M recounts a discussion regarding the potential absence of the SNAP card which was remedied by the store personnel with the establishment of 5 U.S.C. § 552 (b)(6) & (b)(7)(C) line of credit by adding 5 U.S.C. § 552 (b)(6) & (b)(7)(C) to the 5 U.S.C. § 552 (b)(6) & (b)(7)(C) purchase price of eligible food items, totaling the 5 U.S.C. § 552 (b)(6) & (b)(7)(C) debit recorded against the SNAP card held by the investigator. Exhibit N describes an exchange of 5 U.S.C. § 552 (b)(6) & (b)(7)(C) cash from the 5 U.S.C. § 552 (b)(6) & (b)(7)(C) credit line established in Exhibit M, supplemented with an addition of 5 U.S.C. § 552 (b)(6) & (b)(7)(C) to the 5 U.S.C. § 552 (b)(6) & (b)(7)(C) remaining credit line balance.

The “numerous” instances of refusal to violate the SNAP regulations are not what one would consider numerous because the only actual full refusal to commit SNAP violations was in Exhibit A. The exhibits that recount a cash refusal do not represent refusal to violate SNAP regulations because they include the exchange of non-SNAP eligible goods for SNAP benefits.

As previously indicated the Investigative Report in the instant case reveals three (3) types of SNAP violations including the exchange of ineligible items for SNAP; the establishment of a credit line with SNAP benefits; and, the most egregious of violations trafficking with the exchange of SNAP benefits for cash.

It is noted that the permanent disqualification being imposed upon Appellant results from an instance of trafficking, which is the most egregious of SNAP violations and specifically subject to the imposition of permanent disqualification on the **first offense** as indicated in the Food and Nutrition Act of 2008 (Act). 7 U.S.C. § 2021(b)(3)(B) which states, in relevant 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...”

The Act is further supported with SNAP regulations at 7 CFR § 278.6(e)(1)(i) which reads, in relevant part, “FNS **shall** disqualify a firm permanently if personnel of the firm have trafficked as defined in § 271.2.” [Emphasis Added].

### **Contemporaneous training and policy records:**

Counsel provides that there is no indication in the record that Appellant was ever apprised of its obligation to keep contemporaneous training and policy records until it was charged with SNAP violations.

The Retailer Operations Division indicates that when authorized as a SNAP retailer on January 6, 2015, Appellant was issued a SNAP Training Guide for Retailers (Guide). The Guide includes expectations for the firm’s owners and all employees to follow SNAP rules and regulations; citing a requirement for documented periodic refresher training, at least once each calendar year, to include the date of the refresher training and the signature of the owners and employees attesting to their SNAP refresher training. The referenced guide can be found at <https://www.fns.usda.gov/snap/retailers-store-training-information> Specifically in Part 1, page 4, the materials states:

This guide provides basic information on SNAP. A training DVD is included in your authorization package; you can use this DVD to train all of the people who work in your store. The training video is also available online at:  
**<http://www.fns.usda.gov/snap>**.

Protect your business. You are responsible for the actions of all of the people who work at your store. If you or your employees or family members violate the SNAP rules and regulations, your store may be disqualified from participation in SNAP. Learn the proper way to handle SNAP transactions and train your employees before they accept SNAP benefits from a customer. Monitor their performance. Conduct refresher courses when necessary. When changes in the Program are announced, make sure everyone knows about them. It is a good idea to document the training you provide for your employees.

The “Guide” as referenced above was supplemented with a “Reminder to Store Owners – SNAP Training Expectations” that specifically itemizes the training expectations as seen in the material included below.



### **Reminder to Store Owners -- SNAP Training Expectations**

When you applied to accept Supplemental Nutrition Assistance Program (SNAP) benefits you certified to an understanding of your responsibility to ensure that training be completed for all of the owners and employees (paid or unpaid, full-time or part-time, including family members) working in your store. Our goal is to ensure that all store owners fully understand and appreciate this responsibility.

Therefore, we are reminding you of the SNAP training expectations, and of the available materials and resources to assist you in ensuring that your employees are following the rules.

**We expect all SNAP authorized firms to have the ability to demonstrate that there is an established, operational compliance policy and program in place to prevent SNAP violations from occurring.**

**At a minimum an acceptable SNAP training program includes:**

1. **Thorough review of FNS training materials and Program rules.** The SNAP training guide and video can be found on-line at <http://www.fns.usda.gov/snap/retailers/store-training.htm>. Program rules are defined under Title 7; Subtitle B; Chapter II; Subchapter C – Food Stamp and Food Distribution Program of the Electronic Code of Federal Regulations, Part 278 and are also found on-line at the link above.
2. **Documented SNAP training for all store owners and new employees that must occur within 30 days of employment.** Training documentation must include:
  - a. a record of the materials reviewed,
  - b. the name of the owner(s) and employee(s),
  - c. date of employment,
  - d. the date of training, and
  - e. the signature of the owner(s) and employee(s) attesting to their SNAP training.
3. **Periodic, documented, SNAP refresher training; Refresher training is required at least once each calendar year.** Training documentation must include:
  - a. a record of the materials reviewed,
  - b. the name of the owner(s) and employee(s),
  - c. date of employment,
  - d. the date of initial training,
  - e. the date of refresher training, and
  - f. the signature of the owner(s) and employee(s) attesting to their SNAP refresher training.

Store owners are responsible for ensuring that SNAP violations, such as exchanging SNAP benefits for cash or selling ineligible items, are not committed by employees. SNAP violations can result in criminal prosecution, fines and/or removal from SNAP and WIC. Please direct any questions you may have about SNAP rules to the SNAP Retailer Service Center at 1-877-823-4369.

Andrea Gold  
Director  
Supplemental Nutrition Assistance Program (SNAP)  
Retailer Policy & Management Division

Neva Terry  
Director  
Regional Operations & Support  
Retailer Operations Division

**Hardship on Appellant and its Customers:**

Appellant, through counsel, contends that it is being placed under extreme hardship with the permanent disqualification which by extension has placed SNAP residents of the area in hardship as they seek a place to fulfill food needs absent personal transportation to alternative providers which represents an abuse of discretion.

It is recognized that some degree of economic hardship is a likely consequence whenever a store is disqualified from participation in SNAP. However, there is no provision in the SNAP regulations for waiver or reduction of an administrative penalty assessment on the basis of possible economic hardship to the firm resulting from imposition of such penalty. To allow store ownership to be excused from assessed administrative penalties based on purported economic hardship to the firm would render virtually meaningless the enforcement provisions of the Food and Nutrition Act of 2008 and the enforcement efforts of the USDA.

It is further recognized that by extension, there is hardship to SNAP customers in the area who frequent Appellant because of its location and their transportation challenges. These issues are not considerations for mitigation of the present permanent disqualification and consideration of hardship to SNAP households is specifically disallowed in 7 CFR § 278.6(f)(1). Additionally, a review of the area surrounding Appellant reveals that there are 16 SNAP authorized firms within a one-mile radius of Appellant that might provide alternative fulfillment of food needs for households inconvenienced by the permanent disqualification of Appellant.

#### **Civil Money Penalty:**

7 CFR § 278.6(f)(1) of the SNAP regulations provides for civil money penalty assessments in lieu of disqualification in cases where disqualification would cause “hardship” to SNAP households because of the unavailability of a comparable SNAP authorized firm in the area to meet their needs. However, this regulation also sets forth the following specific exception to assessments: **“A civil money penalty for hardship to SNAP households may not be imposed in lieu of a permanent disqualification.”** Therefore, because the matter at hand involves a permanent disqualification, this civil money penalty provision is not applicable in the present case, and there is no comparison of similar firms made.

The November 9, 2017 determination letter advised Appellant of its ineligibility for the imposition of a trafficking civil money penalty in lieu of permanent disqualification as allowed in 7 CFR § 278.6(i) based on failure to submit substantial evidence in a timely manner to demonstrate that Appellant had established and implemented an effective compliance policy and program to prevent violations of SNAP.

7 CFR § 278.6(i) states, in relevant 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**...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...”  
[Emphasis added]

On review it is not found reasonable to consider Appellant’s contention that the one (1) refusal to exchange an ineligible item; or a total of four (4) instances where no violations were attempted somehow support a determination that an **effective** compliance policy was in place to avert SNAP violations at Appellant. Appellant’s contention that Criterion 1 of the CMP requirements has been met is not accepted.

Further, the materials provided by Appellant, beyond the notarized affidavit by Appellant’s owner, do not sufficiently evidence that the compliance policy and program were in operation at Appellant prior to the occurrence of the violations; or, had been developed and instituted as specified in §278.6(i)(2). Therefore, on review it is not found reasonable to consider that Appellant’s materials support the requirements of Criterion 2 or 3.

Similarly, although the record indicates that Appellant’s owner telephonically advised the Retailer Operations Division that he had not violated the SNAP regulations as described in the Investigative Report; and, that he did not know the person identified as “5 U.S.C. § 552 (b)(6) & (b)(7)(C)”, the record is silent as to the identification of the violating clerk resulting from the internal investigation that is described. There is no indication that the clerk, who identified himself as the owner, and was conducting SNAP transactions at Appellant throughout the duration of the investigation, cited to have been conducted between April 26, 2016 and May 25, 2017, was identified; nor, is there any indication that any discipline was imposed.

Based on a review of the record, the decision of Retailer Operations Division not to impose a civil money penalty in lieu of permanent disqualification is sustained as appropriate pursuant to 7 CFR §278.6(b)(1), 7 CFR §§278.6(b)(2)(ii), and 7 CFR §278.6(i).

**Subsumed temporary disqualification:**

In the instant case, at a minimum, a six-month period of disqualification or a civil money penalty in lieu thereof would have resulted in the absence of SNAP benefit trafficking. Though

Appellant is likewise liable for this lesser sanction, it is merely subsumed under the precedent sanction of permanent disqualification.

### **CONCLUSION**

Based on a review of the evidence in this case, it appears that the program violations at issue did, in fact, occur as charged. As noted previously, the charges of violations are based on the findings of an official USDA investigation and the evidence gathered as a result of that investigation.

The materials recount trafficking that is clearly a violation of the SNAP regulations. Notably the official Investigative Report includes a statement introducing each of the Details of the Transaction/Visit affirming that the USDA Investigator makes the statements included “freely and voluntarily, knowing that this statement may be used in evidence.”

The decision to impose a permanent disqualification against Central Halal Market & Deli LLC is sustained.

### **RIGHTS AND REMEDIES**

Applicable rights to a judicial review of this decision are set forth in 7 U.S.C. § 2023 and 7 CFR § 279.7. If a judicial review is desired, the complaint must be filed in the U.S. District Court for the district in which Appellant’s owner resides, is engaged in business, or in any court of record of the State having competent jurisdiction. This complaint, naming the United States as the defendant, 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.

NANCY BACA-STEPAN  
Administrative Review Officer

February 21, 2018