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

Delaware Grocery,

Appellant,

v.

Case Number: C0225842

Retailer Operations Division,

Respondent.

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 six month disqualification from participating as an authorized retailer in the Supplemental Nutrition Assistance Program (SNAP) was properly imposed against Delaware Grocery (hereinafter "Delaware Grocery" or "Appellant") by the Retailer Operations Division of FNS.

ISSUE

The issue accepted for review is whether the Retailer Operations Division took appropriate action, consistent with Title 7 Code of Federal Regulations (CFR) Part 278 in its administration of the SNAP, when it imposed a six month period of disqualification against Delaware Grocery.

AUTHORITY

7 U.S.C. § 2023 and its implementing regulations at 7 CFR § 279.1 provide that "[A] food retailer or wholesale food concern aggrieved by administrative action under § 278.1, § 278.6 or § 278.7 . . . may file a written request for review of the administrative action with FNS.

CASE CHRONOLOGY

The Department of Agriculture conducted an investigation of the compliance of Delaware Grocery with Federal SNAP law and regulations during the period June 28, 2020 through July 9, 2020. In a letter dated February 1, 2021, the Retailer Operations Division charged the Appellant with accepting SNAP benefits in exchange for merchandise which included ineligible nonfood items in violation of 7 CFR § 278.2(a). These SNAP violations occurred on three out of four compliance visits. The letter further informed the Appellant that the violations warranted a disqualification period of six months as provided in 7 CFR § 278.6(e)(5). The letter also stated

that under certain conditions, FNS may impose a hardship civil money penalty (CMP) in lieu of a disqualification as provided in 7 CFR § 278.6(f)(1).

The charge letter noted that per SNAP regulations Section 278.6(b), the Appellant has the right to present any information, explanation or evidence regarding the charges and must reply within 10 calendar days of the date of receipt of the charge letter. Per Outlook confirmation of delivery, the charge letter was delivered to the Appellant at the store address of record on February 2, 2021.

The record indicates that the Retailer Operations Division sent two charge letters to the Appellant, dated December 11, 2020 and January 27, 2021, imposing a one year SNAP disqualification against the Appellant. These charge letters included incorrect regulatory citations and imposed charges. On February 1, 2021, the Retailer Operations Division instructed Appellant's counsel to disregard the one year disqualification charge letters and informed him that the charge letter of February 1, 2021, imposing a six month SNAP disqualification against the Appellant, was the correct charge letter.

In a response to the Retailer Operations Division of February 11, 2021, the Appellant, through counsel, replied to the charges therein denying any violation of SNAP regulations which would warrant a six month disqualification and submitting various arguments with regard to the SNAP violations outlined in the charge letter.

After giving consideration to the Appellant's response and the evidence of this case, the Retailer Operations Division issued a determination letter dated February 16, 2021. The determination letter informed the Appellant that the firm was disqualified from the SNAP for a period of six months in accordance with 7 CFR § 278.6(a) and (e). The determination letter also stated that the Retailer Operations Division considered the Appellant's eligibility for a hardship civil money penalty under 7 CFR § 278.6(f)(1). The Retailer Operations Division determined that the Appellant was not eligible for the hardship CMP in lieu of the six month disqualification because there were other authorized retail stores in the area selling as large a variety of staple foods at comparable prices.

In a letter postmarked March 1, 2021, the Appellant, through counsel, appealed the Retailer Operations Division's assessment and requested an administrative review of this action. FNS granted the Appellant's request for administrative review by letter dated March 22, 2021. Upon acceptance of the administrative review request, implementation of the six month disqualification was held in abeyance pending completion of this review. In an email correspondence of April 12, 2021, the Appellant, through counsel, submitted additional information in support of the request for administrative review.

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 the 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, 7 U.S.C. § 2021, and promulgated through regulations under Title 7 CFR Part 278. In particular, 7 CFR § 278.6(a) and (e) establish the authority upon which a disqualification may be imposed against a retail food store or wholesale food concern.

7 CFR § 278.2(a) states, inter alia:

> Coupons may be accepted by an authorized retail food store only from eligible households . . . only in exchange for eligible food.

7 CFR § 271.2 states, inter alia:

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

7 CFR § 278.6(a) states, inter alia:

> FNS may disqualify any authorized retail food store . . . if the firm fails to comply with the Food and Nutrition Act of 2008, as amended, or this part. Such disqualification shall result from a finding of a violation on the basis of evidence that may include facts established through on-site investigations.

7 CFR § 278.6(e)(5) states, inter alia:

> Disqualify the firm for 6 months if it is to be the first sanction for the firm and the evidence shows that personnel of the firm have committed violations such as, but not limited to, the sale of common nonfood items due to carelessness or poor supervision by the firm's ownership or management.

7 CFR § 278.6(f)(1) states, inter alia:

> FNS may impose a civil money penalty as a sanction in lieu of disqualification when . . . the firm's disqualification would cause hardship to Food Stamp [SNAP] households because there is no other authorized retail food store in the area selling as large a variety of staple food items at comparable prices.

SUMMARY OF THE CHARGES

During an investigation conducted from June 28, 2020 through July 9, 2020, USDA conducted four compliance visits at Delaware Grocery. A report of the investigation was provided to the

Appellant as an attachment to the charge letter dated February 1, 2021. The investigation report included Exhibits A through D which provide full details on the results of each compliance visit. The investigation report documents that SNAP violations were recorded during three of the four compliance visits and involved the sale of a variety of items best described in regulatory terms as "common nonfood items". The nonfood items sold for SNAP benefits included: steel wool soap pads, sandwich bags, trash bags, scrub sponge, and dish liquid.

The misuse of SNAP benefits noted in Exhibits A, B, and C warrant a disqualification as a SNAP retail food store for a period of six months. The exchange of these ineligible items for SNAP benefits is in violation of 7 CFR § 278.2(a).

APPELLANT'S CONTENTIONS

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

In the reply to the charge letter, in the administrative review request, and in subsequent correspondence, the Appellant, through counsel, stated the following summarized contentions, in relevant part:

- The Appellant adamantly denies any violation of SNAP regulations which would warrant a six month disqualification. The Appellant has a policy of compliance with SNAP regulations which is demonstrated throughout the allegations set out in the charge letter.
- The store's owner maintains a strict set of rules for the operation of the firm and has reviewed the SNAP regulations with each of the employees until they have demonstrated personal knowledge of the rules. Furthermore, the owner has always worked to correct any problematic activity that occurs within the store, clarifies any matters which employees indicate they are confused about, and terminates employees who have violated the SNAP rules.
- Importantly, the clerk during the July 9, 2020 (Exhibit D) investigation outright refused to engage in trafficking SNAP benefits (i.e. the exchange of SNAP benefits for cash).
- The Department has neither audio nor video recordings that these transactions occurred as described, despite having the ability to do so, nor does the Department have any other witnesses. As such, the Department's failure to utilize such tools, and choice to rely upon an effectively unsigned affidavit, means that the agency has failed to meet its burden.
- There were minimal ineligible items purchased by the investigator, all of which were reasonably related to food preparation and/or common household products. There was a clear misunderstanding on the part of the clerks regarding the difference between eligible verses ineligible items, and nothing in the record to indicate that the sales were intentionally violative.
- The violations were minor in nature. A warning letter "appears to be an appropriate first step in insuring compliance before the imposition of a serious sanction". *Dale v. Selby Superette & Deli v. U.S. Dep't of Agric.* In the instant case, the ownership had taken

reasonable and fiscally practical steps to prevent SNAP violations. Their efforts cannot be reasonably described as careless or as poor supervision. Rather, the violations were exceptionally minor in nature, and while certainly in need of correction, proper corrective action can be achieved by the issuance of a warning letter. See *Kim v. United States* (finding that the USDA acted arbitrarily and capricious in issuing a six month disqualification against the plaintiff, as "no prior warnings were given, no evidence was offered or considered on the subject of intent, there was no showing whether [a] warning letter was even considered or of what standard USDA applied to determine whether the violations are [too] limited to warrant disqualification, record did not reflect firm practice of selling non-eligible items, there was no trafficking and no exchanging of food stamps for cash, and on the most recent two occasions when the investigator visited the store her efforts to buy ineligible items were refused)".

- There is no evidence whatsoever in the record that the alleged sales of common nonfood items was due to carelessness or poor supervision by the store's ownership or management. Store owners and management are not expected to sit over their employees' shoulders for every transaction to verify their accuracy. Furthermore, a concealed problem (such as where there is no way for the store owner/manager to have known about these specific alleged problems) is not the same as acting careless or neglectful. Careless/neglectful qualifies for store owners who never trained their staff, or who govern their store on an absentee basis without any ongoing concern for how the store is operating. A determination that a certain number of ineligible sales over a certain number of visits is the very definition of arbitrary; a determination based upon individual preference or convenience rather than by the intrinsic nature of the transactions.
- Even if the allegations were accurate then the store's violations warrant a warning letter rather than a six month disqualification. Pursuant to 7 CFR § 278.6(e)(7), where the violations are "too limited to warrant a disqualification", a warning letter should be issued. See *Vasudeva v. United States* (finding that as a result of the agency's failure to present evidence of the store's carelessness, coupled with the store's effective training and compliance program, the "store should have received a warning letter"). Although the regulations do not require the agency to issue a warning letter in these situations, it is the agency's normal procedure to do so. See *Dale & Selby Superette & Deli v. U.S. Dep't of Agric.* (finding that "FNS departed from its normal procedures in imposing the six month sanction" rather than issuing a warning letter and as such, FNS' decision was found to be arbitrary and capricious). See also *Wolf v. United States* (upholding the agency's sanction as the store engaged in violations immediately after receiving a warning letter).
- There is precedent from this branch that indicates a warning letter is an appropriate sanction even where there were violations involving the purchase of ineligible items. In the case *Primo Meat Market vs. Retailer Operations Division*, a retailer had eight store visits by FNS, three of which resulted in the purchase of ineligible items. There is no indication as to whether FNS attempted to violate in each of the other five visits – however the Final Agency Decision indicates that at least five ineligible items were sold during the violative visits. The Administrative Review Officer noted "upon review, the evidence indicates that Appellant established a record of selling non-food items… however, after careful review of the investigative report, the violations do not rise to the level to merit a disqualification period in accordance with 7 CFR §278.6(e)(5). However,

the violations do meet the requirements of 7 CFR § 278.6(e)(7)." *Id.* at 4. There was no explanation for exactly how the violations did not rise to said level – leaving considerable room for legal interpretation. However, it would indicate that where a retailer has at least some investigative visits, a warning letter would be more appropriate than a six month disqualification.

- The investigator's affidavit is "hearsay" by definition, an out of court statement offered to prove the truth of the matter asserted. *Fed.R.Evid*. 801(c). Pursuant to the Administrative Procedures Act, hearsay evidence may be used in an administrative proceeding if found to be "reliable and credible". (*J.A.M. Builders, Inc. v. Herman*; See also *Veg-Mix Inc. v. U.S. Dep't of Agric.* (stating that agencies are entitled to weigh the hearsay evidence according to its "truthfulness, reasonableness, and credibility.") (citations omitted). As such, the admission of the hearsay evidence at issue herein (i.e., the investigator's affidavit) is dependent on: "(1) whether the hearsay declarant was interested or biased; (2) whether the party opposing the hearsay had access to the information containing the hearsay and could have subpoenaed the declarant; (3) whether the information is inconsistent on its face; and (4) whether courts have recognized the information as inherently reliable. *Nationwide Jewelry & Pawn, Inc. v. United States* citing J.A.M. Builders. Additionally, hearsay evidence may be admissible where it is corroborated. G*laros. V. Immigration & Naturalization Serv.* (finding that the letters were admissible hearsay as they were corroborated by the court record). Here, the alleged violation is not corroborated by any other verifying the statements or evidence in the charge letter; there can be no reasonable opportunity for the owner to subpoena or otherwise depose the witness because USDA redacted all of that information prior to sending the charge letter and in its FOIA response; and as a result of the owner's inability to subpoena said witness, it is impossible to determine the witness's veracity or whether or not a statement is biased.
- This case was issued subsequent to the USDA's new rules which went into effect regarding the Freedom of Information Act (FOIA). Specifically, the Appellant was not permitted FOIA requests and the abatement of this matter therewith. This is a violation of the regulations. 7 CFR § 278.6(b)(1) states in clear terms, "Any firm considered for disqualification… shall have full opportunity to submit to FNS inform explanation or evidence concerning any instances of non-compliance before FNS makes a final administrative determination." The regulation has not been changed and the language remains the same. The Appellant has had no opportunity to evaluate and respond to all of the information considered by FNS to be instrumental in this case, so this response cannot possibly be considered a "full opportunity". A decision rendered here is a violation of the regulation. The Appellant cited T*riple E Express vs. ROD* in support thereof.
- The Appellant operates as a grocer serving a variety of foodstuffs, nearly all of which qualify as eligible items under the SNAP regulations. Based upon USDA's most recent numbers, in the district in which the Appellant is located, approximately 11% of the local residents receive SNAP benefits. The Appellant is located in an area with comparatively low numbers of SNAP retailers, and a higher volume of SNAP participants. Most of the city, and particularly in the area in which the Appellant is located, depend upon small grocers (2,000 square feet less) though there are several stores within a mile that are authorized, the price, food quality and service at the Appellant are well known to the

local neighborhood. The other stores in the area are either priced higher or have less food. In the era of COVID, many SNAP households are having trouble traveling to larger stores, either for their own health and safety, or because they are prohibited from doing so. The Appellant requests the imposition of a hardship civil money penalty as a SNAP disqualification would impose hardship on local SNAP participants.

In support of these contentions, the Appellant, through counsel, submitted for review "Profile of SNAP Households in 2018 New York Congressional District 20", USDA FNS.

ANALYSIS AND FINDINGS

SNAP Violations

This review is to either validate or to invalidate the determination made by the Retailer Operations Division; it is limited to the facts at the basis of the Retailer Operations Division's determination at the time it was made.

When store ownership signed the certification page of the SNAP retailer authorization application to become a SNAP retailer, it confirmed it understood and agreed to abide by program rules and regulatory provisions. It also agreed to accept responsibility on behalf of the firm for SNAP violations including those committed by any of the firm's employees, paid or unpaid, new, full-time or part-time. The certification is clear that store ownership understood by signing the document that violations of program rules can result in administrative actions such as fines, sanctions, withdrawal, or disqualification from the SNAP.

The Appellant contends that the firm adamantly denies any violation of SNAP regulations which would warrant a six month disqualification. The Appellant has a policy of compliance with SNAP regulations which is demonstrated throughout the allegations set out in the charge letter. The Department has neither audio nor video recordings that these transactions occurred as described, despite having the ability to do so, nor does the Department have any other witnesses. As such, the Department's failure to utilize such tools, and choice to rely upon an effectively unsigned affidavit, means that the agency has failed to meet its burden.

However, the transactions cited in the letter of charges were conducted by a USDA investigator and are thoroughly documented. A complete review of this documentation has yielded no known error or discrepancy. The investigation report is specific and thorough with regard to the dates of the violations, the specific facts related thereto, and is supported by documentation that confirms specific details of the transactions. The owner submitted no evidence to support that the transactions did not occur at the Appellant.

While the Appellant is correct in that the employee in Exhibit D refused the investigator's request to traffick SNAP benefits, the FNS investigative report shows that three male employees working at the Appellant firm accepted SNAP benefits for ineligible nonfood items on three separate occasions during the investigative period indicating an ongoing pattern of SNAP violations as defined by Section 271.2 of the SNAP regulations. The investigation report documents by a preponderance of the evidence that the store employees engaged in the misuse of

SNAP benefits noted in Exhibits A, B, and C, warranting a disqualification as a SNAP retail food store for a period of six months.

The Appellant contends that there were minimal ineligible items purchased by the investigator, all of which were reasonably related to food preparation and/or common household products. There was a clear misunderstanding on the part of the clerks regarding the difference between eligible verses ineligible items, and nothing in the record to indicate that the sales were intentionally violative.

However, regardless of who the store owner utilizes to handle store business, ownership is accountable for the proper handling of SNAP benefit transactions. The regulations establish that an authorized food store may be disqualified from participating in the program when the store fails to comply with the Act or regulations because of the wrongful conduct of an owner, manager, or someone acting on their behalf. The acceptance of SNAP benefits for ineligible items is a violation of SNAP rules and regulations.

SNAP benefits, in general, are only authorized to be used for the purchase of foods for the household to eat as well as seeds and plants which produce food for the household to eat. The common nonfood items purchased are clearly not edible foods and are not plants or seeds, so one has to question the level of training the employee received by store ownership and/or management. The basic concept of "if you can't eat it, you can't buy it using SNAP" is not a difficult one for employees to grasp, yet the employees allowed the purchase of ineligible items using SNAP benefits on multiple occasions. The ineligible items sold were obvious nonfood items and would not readily be confused with eligible edible food items.

The Appellant contends that the violations were minor in nature and too limited to warrant a disqualification. Therefore, a warning letter should be issued in lieu of SNAP disqualification. However, neither the Food and Nutrition Act of 2008, as amended, nor the regulations issued pursuant thereto cite any minimum dollar amount of SNAP benefits for transactions involving the sale of ineligible items to be defined as violative. No mention of minimum cost or types of ineligibles is cited in Section 278.6(e)(5) of the SNAP regulations, which states that FNS shall disqualify a store for six months if it is to be the first sanction for the firm and the evidence shows that personnel of the firm have committed violations such as, but not limited to, the sale of common nonfood items in exchange for SNAP benefits due to carelessness by store employees or poor supervision by the firm's ownership or management.

The Appellant contends that there is no evidence showing that the alleged sales of common nonfood items was due to carelessness or poor supervision by the store's ownership or management. The store's owner maintains a strict set of rules for the operation of the firm and has reviewed the SNAP regulations with each of the employees until they have demonstrated personal knowledge of the rules. Furthermore, the owner has always worked to correct any problematic activity that occurs within the store, clarifies any matters which employees indicate they are confused about, and terminates employees who have violated the SNAP rules.

However, had an effective compliance policy and program been in effect at the firm, it is unlikely that the employees would have made such obvious mistakes. The more likely

explanation is that store ownership and/or management failed to properly train and subsequently supervise the employees. Additionally, had store ownership and/or management been supervising the employees through occasionally monitoring them using videotape, if available, or in person, it would have readily noticed that they were allowing the sale of ineligible nonfood items in exchange for SNAP benefits.

It also would have been immediately evident to store ownership and/or management that the employees were deficient in their knowledge of SNAP rules and regulations had it periodically spot checked the employees' knowledge and abilities by asking questions about SNAP eligible/ineligible items. Either of these basic supervisory techniques would have provided a no cost method for store ownership and/or management to ensure that store employees were not putting the firm's SNAP authorization at risk.

These are clear signs of poor or no supervision by store ownership and/or management. It is highly improbable, based on the willingness of the employees to exchange SNAP benefits for ineligible nonfood items, that the only instances of SNAP violations were those transactions identified as part of the FNS undercover investigation. These actions more likely than not represent an ongoing pattern of SNAP violations at the Appellant firm. Under SNAP regulations, the penalty for allowing the purchase of ineligible nonfood items using SNAP benefits as the result of poor supervision by ownership or management is a six month disqualification. The regulations do allow SNAP retailers to pay a hardship CMP, if eligible, as explained in the next section.

The Appellant contends that there is precedent from this branch that indicates a warning letter is an appropriate sanction even where there were violations involving the purchase of ineligible items. The Appellant cited *Primo Meat Market vs. Retailer Operations Division* in support thereof. With regard to this contention, prior administrative review decisions are not precedent setting as they are based on the specific circumstances of each case as documented by materials provided by both the Appellant and the Retailer Operations Division. In addition, administrative review decisions do not establish policy or supersede Federal law, regulations, or policy guidance.

The Appellant's contentions with regard to hearsay are duly noted. It is important to clarify however that the rules of evidence in administrative proceedings differ from those used in judicial proceedings generally and differ specifically with regard to the admissibility of hearsay: The Administrative Procedures Act (APA) at 5 U.S.C. § 556(d) provides that *any* oral or documentary evidence may be received. It excludes only "irrelevant, immaterial, or unduly repetitious evidence," primarily for the sake of expedience. Therefore the test for admissibility under the APA is relevance; hearsay is admissible, like other evidence, if it is relevant. In the present case, the statements of the investigator regarding the violative SNAP transactions are corroborated by additional and substantial physical evidence, impart probative value and are closely connected to the issues at hand, indicating materiality. Thus, they are clearly relevant, even if they may be seen as hearsay. Nonetheless, both investigators and their cooperating informants, if relevant, are typically available to testify at trial, in which case eye-witness accounts of the events described in the report could be presented, thus precluding the presumption of hearsay.

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 the 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. The Appellant did not provide any evidence that the violations cited in the charge letter did not occur.

Based on this discussion, the decision by the Retailer Operations Division to disqualify the firm for a six month period was the appropriate penalty and there is no valid basis for dismissing the charges or for mitigating the penalty imposed.

FOIA

The Appellant contends that not holding determinations in abeyance while FOIA responses are pending violates 7 CFR §278.6(b)(1) according to *Triple E Express vs. ROD*, because the Appellant is not given a full opportunity to respond. With regard to this contention, effective October 26, 2020, the changes to 7 CFR § 278.6 and 7 CFR § 279.4 went into effect. These changes prohibit holding determinations and administrative reviews in abeyance while FOIA responses are pending. The finding in *Triple E Express* was based on outdated regulations.

Case Laws

With regard to the case laws cited by the Appellant, it is beyond the scope and authority of this review to determine the applicability of same. This review is limited to consideration of whether or not the Retailer Operations Division duly adhered to the Food and Nutrition Act of 2008, as amended, and the implementing regulations, and whether or not the action taken is sustainable by a preponderance of the evidence. Therefore, the application of any judicial precedent is better addressed via judicial review. Accordingly, no further findings or conclusions are rendered in this regard.

CIVIL MONEY PENALTY

The Appellant requests the imposition of a hardship civil money penalty as a SNAP disqualification would impose hardship on local SNAP participants.

The Retailer Operations Division determined that the Appellant was not eligible for a hardship civil money penalty (CMP) under 7 CFR § 278.6(f)(1). That regulation reads, in part, "FNS may impose a civil money penalty as a sanction in lieu of disqualification when . . . the firm's disqualification would cause hardship to [SNAP] households because there is no other authorized retail food store in the area selling as large a variety of staple food items at comparable prices." [Emphasis added]. 5 U.S.C. § 552 (b)(7)(E).

Based on the evidence, the disqualification of Delaware Grocery would not cause a hardship to SNAP recipients in the area, as opposed to a mere inconvenience; therefore, the Retailer

Operations Division's decision not to assess a hardship CMP in lieu of a six month disqualification is sustained as appropriate under 7 CFR § 278.6(f)(1).

CONCLUSION

It is therefore established that the violations as described in the letter of charges did in fact occur at Delaware Grocery warranting a disqualification of six months in accordance with 7 CFR § 278.6(e)(5). That regulation states that FNS shall "disqualify the firm for 6 months if it is to be the first sanction for the firm and the evidence shows that personnel of the firm have committed violations such as, but not limited to, the sale of common nonfood items due to carelessness or poor supervision by the firm's ownership or management". Therefore, the decision to impose a six month disqualification, the least severe penalty allowed by regulation, against Delaware Grocery, the Appellant firm, is appropriate and the action is sustained.

In accordance with the Food and Nutrition Act of 2008 and the regulations there under, the six month period of disqualification shall become effective thirty (30) days after receipt of this letter. A new application for participation may be submitted by the firm ten (10) days prior to the expiration of this six month period.

RIGHTS AND REMEDIES

Your attention is called to Section 14 of the Food and Nutrition Act (7 U.S.C. 2023) and to Section 279.7 of the Regulations (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, FNS is 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.

LORIE L. CONNEEN April 27, 2021
ADMINISTRATIVE REVIEW OFFICER