

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

|                               |   |
|-------------------------------|---|
| Derby Mini Market,            | ) |
| Appellant,                    | ) |
|                               | ) |
| v.                            | ) |
|                               | ) |
| Retailer Operations Division, | ) |
| Respondent.                   | ) |
| _____                         | ) |

**FINAL AGENCY DECISION**

It is the decision of the USDA that the record indicates that Derby Mini Market (Appellant) committed violations of the Supplemental Nutrition Assistance Program (SNAP). There is sufficient evidence to support a finding that the permanent disqualification from participation as an authorized retailer in the program, as initially imposed by the Retailer Operations Division, (Retailer Operations) was appropriate.

**ISSUE**

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

**AUTHORITY**

7 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**

By Charge letter dated March 2, 2016, Retailer Operations informed the owners that Appellant was in violation of the terms and conditions of the SNAP regulations based on electronic benefit transactions (EBT) that “establish clear and repetitive patterns of unusual, irregular, and inexplicable SNAP activity for your type of firm.” The letter of charges states, that “As provided by Section 278.6(e)(1) of the SNAP regulations, the sanction for trafficking is permanent disqualification.”

Appellant replied to the Charge letter by letter dated March 11, 2016. The record states that

on March 15, 2016, Retailer Operations received the formal written response from counsel that included a Freedom of Information Act (FOIA) request. The FOIA response was drafted and approved by the FNS FOIA Office however, counsel failed to sign the fee agreement. On May 11, 2016, the FOIA Office sent a letter to counsel requesting the fee agreement. This USDA communication gave counsel to May 18, 2016, to state a willingness to pay FOIA fees associated with his FOIA request. No response was received from counsel by the stated date, and the FOIA request was administratively closed by FNS.

Retailer Operations issued a Determination letter dated October 25, 2016, that informed Appellant that it was permanently disqualified from the SNAP in accordance with Sections 278.6(c) and 278.6(e)(1) of the SNAP regulations. Retailer Operations considered Appellant's eligibility for a trafficking civil money penalty (CMP) according to the terms of Section 278.6(i) of the SNAP regulations. However, Appellant was not eligible for the CMP because insufficient evidence was submitted to demonstrate that Appellant had established and implemented an effective compliance policy and program to prevent violations of the SNAP per the regulations cited.

By letter dated November 1, 2016, the owners, via counsel, appealed Retailer Operations' determination and requested administrative review of this action. This letter also stated "Please review this and provide me with the information I have requested in my March 11, 2016 letter..." The appeal was granted by letter dated November 9, 2016. By email dated December 9, 2016, this office forwarded counsel's letter to the FNS FOIA office. By email dated December 13, 2016, the FOIA office notified this office that it would treat counsel's November 1, 2016 letter as a new FOIA request. The FOIA office provided a copy of a December 13, 2016 email and letter to counsel regarding applicable FOIA fees. By letter dated January 23, 2017, FOIA informed counsel that on December 13, 2016 and January 4, 2017 he was notified regarding FOIA fees and that his request for a FOIA was administratively closed due to a failure to respond regarding a willingness to pay said fees.

### **STANDARD OF REVIEW**

In an appeal of an adverse action, 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, would accept as sufficient to support a conclusion that the argument 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 § 278 of Title 7 of the Code of Federal Regulations (CFR). Sections 278.6(a) and (e)(1) establish the authority upon which a permanent disqualification may be imposed against a retail food store or wholesale food concern in the event that personnel of the firm have engaged in trafficking SNAP benefits.

7 CFR § 278.6(e)(1) reads, in part, “FNS shall disqualify a firm permanently if personnel of the firm have trafficked as defined in § 271.2.” Trafficking is defined, in part, in 7 CFR § 271.2, as “the buying or selling of SNAP benefits for cash or consideration other than eligible food.”

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

7 CFR § 278.6(a) states, *inter alia*, that “FNS may disqualify any authorized retail food store ... if the firm fails to comply with the Food and Nutrition Act of 2008, as amended, or this part. Such disqualification shall result from a finding of a violation on the basis of evidence that may include facts established through on-site investigations, inconsistent redemption data, evidence obtained through a transaction report under an *electronic benefit transfer system...*” (*emphasis added*)

### **APPELLANT’S CONTENTIONS**

The following may represent a brief summary of the contentions in this matter however, in reaching a decision, attention has been given to all contentions presented, including any not specifically recapitulated or reference herein. The contentions are essentially:

- This is the first occasion of any allegations of misuse of the SNAP against the store.
- None of the very general allegations constitute a violation of the SNAP guidelines.
- The allegations are merely queries about a pattern of SNAP redemption that require explanation.
- There is no evidence of trafficking contained in your letter. This allegation is apparently based on some computer analysis of transactions rather than upon any individual analysis or observation of these.
- Provide the statutory or regulatory basis for the assertion that the listed transactions constitute trafficking or specific violation of the law or regulations.
- None of the issues I raised in March have been addressed. We cannot refute patterns unless we are aware of the criteria to determine what is unusual, irregular or excessively large.
- If my client had refused transactions she would have been in violation of the regulations at Section 274.12 (e)(4)(f)(1) that requires that there shall be no limit of the number of SNAP transactions.
- If my client had refused the transactions characterized as taking place within usually short time frames, or that exhausted someone’s benefits in short time periods, she would have been in violation of the regulations.
- There has been no discussion or finding regarding the accuracy of the initial charge or their origin, credibility or reliability. This is an essential factor to be determined before my client’s property rights are adversely affected.

## SUMMARY OF CHARGES

The issue in this review is whether, through a preponderance of evidence, it is more likely true than not true that the questionable transactions were the result of trafficking. The charges on review were based on an analysis of SNAP electronic benefit transfer (EBT) transaction data during the period of August 2015 through January 2016. This involved four patterns of EBT transaction characteristics which are indicative of trafficking:

1. There were an unusual number of transactions ending in a same cents value.
2. Multiple transactions were made from individual benefit accounts in unusually short time frames.
3. The majority or all of individual recipient benefits were exhausted in unusually short periods of time.
4. Excessively large purchase transactions were made from recipient accounts.

The file indicates that in reaching a disqualification determination, Retailer Operations considered information obtained during a February 22, 2016, store visit conducted by a FNS contractor to record the nature and scope of Appellant's operation, stock and facilities. This information was then used to ascertain if there were justifiable explanations for the EBT transactions at Appellant that formed patterns indicative of trafficking. The onsite visit report and photographs document the store's size, description, and characteristics.

## ANALYSIS AND FINDINGS

Retailer Operations presented a case that Appellant trafficked SNAP benefits. Each Attachment furnished with the Charge letter represents the questionable and unusual patterns of SNAP transactions indicative of trafficking which were conducted at Appellant during the review period. As patterns of unusual transactions appear across multiple Attachments the case of trafficking becomes more convincing.

**Attachment 1:** There are an unusual number of transactions ending in a same cents value. 7  
USC 2018 (b)(7)(e).

Counsel contends:

- Some SNAP customers of the Derby Mini Market, just like other customers at this or any other market, only allocate a specific amount of their money of EBT funds to spend at any given time. This is prudent budgeting practice, which should be encouraged, not discouraged.
- Customers often choose to round off their transactions to an even dollar amount for their convenience.
- The customer can pay whatever extra amount is due in cash and still easily track the balance on their SNAP card. Section 272.1(b)(1) of the SNAP regulations specifically authorizes transactions consisting of a combination of cash and SNAP benefits.
- My July 6, 2015 letter explained that SNAP transactions ending in same cents explain that SNAP transactions can consist of cash and SNAP benefits.

7 USC 2018 (b)(7)(e).

Retailer Operations also found that it is unlikely that households would consistently make purchases in an even dollar amount as most customers do not buy only even dollar priced items when they shop for quantities of groceries. Retailer Operations found it improbable that a SNAP customer purchasing a variety of food items at different prices on different days and in different weeks or months would accumulate items that would each time sum to an even dollar amount.

It should be noted that counsel's contention is not that Appellant was rounding transactions but that SNAP recipients were asking to round them by allocating a specific even dollar amount to be transacted from their benefit cards. While the FNS contractor photographs show some price tags on some items, the actual prices are not seen. Appellant did not provide a price list for eligible items or vendor receipts of inventory so that an assessment of prices could be made. Nevertheless, the photographs and inventory evidence show that Appellant stocks a range of eligible items typical of a neighborhood convenience store including: milk, bread, canned goods, juice, rice, pasta, peanut butter, candy, ice cream, cereals, cake mixes, dry beans, margarine, cheese, and snacks. There are also some fresh onions, lettuce, apples, peppers, tomatoes and oranges. There appears to be sufficient inventory that transactions asked to be evened to specific dollar amounts by recipients could be legitimate. Thus, the transactions listed in this Attachment pattern do not more support trafficking than not.

It should be noted that there is no July 6, 2015 letter from counsel in the record. Given the chronology in this matter, this appears to be a mistake regarding a letter cited by counsel.

**Attachment 2: Multiple SNAP purchase transactions were made from individual benefit accounts in unusually short time frames.** 7 USC 2018 (b)(7)(e).

Counsel contends:

- Customers return on the same day after an initial purchase. The store caters to inner city clientele.
- My client estimates that 90% of the customers are pedestrians. They live close by so multiple daily trips to the store are normal, not unusual.
- I have enclosed pictures of the apartment buildings in the neighborhood.
- Most of the transactions occur at the beginning of the month after the exhaustion of the prior month's benefits.
- Pedestrian customers are limited to purchasing what they can carry.
- The regulations provide that there shall be no limit of the maximum number of SNAP transactions.

Within a one mile radius of Appellant there are at least 15 other authorized stores including: eight convenience stores, three small groceries, two super stores and two supermarkets. Thus, the record supports that there are other retail food stores in the area for SNAP recipients to utilize. 7 USC 2018 (b)(7)(e).

Retailer Operations conducted an assessment of the shopping patterns of some households that

frequented Appellant. [7 USC 2018 (b)(7)(e)].

The contention that many SNAP customers do not have transportation and depend upon Appellant to obtain their grocery needs is unsubstantiated. The record shows that there are authorized SNAP stores available in the immediate area. The photos provided by counsel show the store is located in an economically depressed area with nearby apartments, but this does not explain the suspicious transactions. [7 USC 2018 (b)(7)(e)]. SNAP households have no limits on the number of times they may use their EBT cards for eligible food. The EBT transactions are questionable not because they exceed any limits for use, but rather because they display characteristics of use inconsistent with the nature and extent of Appellant's stock and facilities and are indicative of trafficking.

Insufficient evidence was advanced that the transactions listed on this Attachment were for eligible SNAP foods. No itemized cash register tapes were produced. No recipient affidavits attesting to their shopping patterns at Appellant were advanced. No invoices of vendor stock to support SNAP redemption amounts were provided to prove that Appellant carried sufficient eligible foods to meet its SNAP redemption totals for the review months. No federal business tax filings or state sales tax forms were submitted. No banking information was provided. Therefore, the preponderance of the evidence supports that the transactions listed are the result of trafficking.

**Attachment 3: The majority or all of individual recipient benefits were exhausted in unusually short periods of time** [7 USC 2018 (b)(7)(e)].

Counsel contends:

- Customers purchase as many items as they can while they have credit, no different than the supermarket chains that are busier after worker's paydays.
- USDA studies show the majority of customers in this area exhaust their entire monthly benefits within the first two weeks.
- The transactions listed in Attachment 3 indicate these transactions should be expected, not classified as irregular or unusual. [7 USC 2018 (b)(7)(e)]. These amounts cannot be considered excessively large by any reasonable criteria, known or unknown, or by anyone who has ever shopped for groceries in this area.
- The recent closing of a similar nearby [7 U.S.C. 2018 (b)(6) & (b)(7)(c)] convenience store (pictures provided) has resulted in less available shopping choices for the customers that patronize my client's store. If the Derby Mini Market was disqualified from the SNAP program this would now constitute a hardship on the SNAP households in that area. Please consider this mandatory criterion before imposing any disqualification.
- Although, this pattern of Food Stamp redemption may be atypical, or not in conformance with an undisclosed computer program, it is not, in and of itself, illegal or a violation of SNAP regulations. The disqualification in this matter based on the "charge" letter is for trafficking as defined in Section 271.2 of the Food Stamp Regulations. This means that a conclusion must be or has been made that the Derby Mini Market is exchanging EBT benefits for cash or consideration other than eligible food. **THERE IS ABSOLUTELY NO EVIDENCE OF THIS.**

- There is no evidence of undercover cash exchanges or purchases of prohibited items. Mere suspicion, explained or unexplained, cannot serve as the basis for a disqualification for trafficking.

A government report on SNAP shopping patterns<sup>1</sup> indicates that on average, SNAP households have less than one-quarter of their benefits left by the middle of the month. On the day the issuance was distributed, the average household redeemed more than a fifth of its benefit. By the first week, the average household had redeemed over half of its benefit, and by the second week, over three-quarters of it. Households redeemed about an additional 10 percent of benefits by the end of the third week (exhausting 90 percent of benefits), and ultimately redeemed 97 percent of their monthly benefits by the end of the day before receiving their next issuance. Households did spend slightly more on the first day (22 percent in the first half of 2009, compared to 20 percent in 2003), but then spent their benefits at the same rate as in fiscal year 2003. By day seven, the average household had redeemed 60 percent of its monthly benefit; by day 14, it had redeemed 80 percent, and by month end the average household had redeemed 97 percent of its benefit. Therefore, transactions in which SNAP benefits are exhausted in one or a few transactions during a short period of time are suggestive of trafficking.

The record shows that a high percentage of recipients frequenting Appellant were conducting SNAP transactions at large groceries, supermarkets and super stores within one or two days of making a transaction Appellant. Although the data supports that many households transacted benefits early in the month, most households do not spend all or a majority of their monthly benefits in only a few transactions in a single day, especially at a convenience store, leaving no benefits for the remainder of the month. A review of data at three nearby convenience stores shows that while Appellant had 20 transactions flagged on this Attachment, the other stores had 2, 0 and 1 transactions respectively that met the parameters of this pattern. This is unusual. Appellant failed to provide sufficient evidence to legitimize the data sets listed.

**Attachment 4: Excessively large purchase transactions were made from recipient accounts.** 7  
USC 2018 (b)(7)(e).

Counsel contends:

- 7 USC 2018 (b)(7)(e). These cannot be considered excessively large by anyone who has shopped for groceries in this area.
- The closing of 7 U.S.C. 2018 (b)(6) & (b)(7)(c) has resulted in less shopping choices. If the Market is disqualified this would constitute a hardship on SNAP households.
- There is no evidence of cash exchanges or purchases of prohibited items.

While Appellant may be located proximate to a large number of SNAP recipients, it is not the only authorized store in the area at which SNAP customers can purchase food. Appellant also

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<sup>[1]</sup> *Benefit Redemption Patterns in the Supplemental Nutrition Assistance Program*, Mathematica Policy Research, by Laura Castner and Juliette Henke, for the U.S. Department of Agriculture, Food and Nutrition Service, Office of Research and Analysis, February 2011.

carries a significant non-food inventory including: alcohol, tobacco, lottery tickets, household supplies, and health and beauty aids. Appellant does not have optical scanners and has no shopping carts or shopping baskets. The large dollar transactions remain questionable when considering the proximity of other stores, some of which are larger, including several supermarkets and super stores that would carry larger quantities and varieties of eligible foods likely at lower prices. Furthermore, Appellant is moderately stocked with mostly canned and packaged goods, limited fresh produce, and no fresh meat, poultry or seafood. The onsite store review form indicates that the store had empty coolers, empty shelves, and dusty products on the date of the inventory. No evidence was advanced to support the inventory of eligible food acquired by Appellant.

While redemptions were transacted throughout each month, the amounts redeemed were higher in the first half of each month. Shopping dates maybe consistent at the beginning of the month as stated by counsel, however insufficient evidence was presented that recipients were purchasing eligible foods at Appellant [7 USC 2018 (b)(7)(e)].

The record includes a comparison of SNAP transaction ranges at Appellant with the averages at convenience stores in New Haven County Connecticut for the review period. The comparison shows that shopping patterns at Appellant are irregular for a store of this type. [7 USC 2018 (b)(7)(e)]. The evidence regarding the appearance, quality, and quantity of stock at Appellant does not support that SNAP recipients conducted so many high dollar transactions there. The store visit report documents that Appellant does not sell any unique items that cannot be purchased at other stores in the area. [7 USC 2018 (b)(7)(e)].

[7 USC 2018 (b)(7)(e)]

The evidence that Appellant violated the SNAP regulations was furnished in the Charge letter Attachments. Government analyses of stores caught in trafficking violations during on-site investigations have found that transactions involving trafficking consistently display particular characteristics or patterns. SNAP transaction data is provided to FNS via each state's EBT processor on a daily basis in a single layout and format that is standardized nationwide. The EBT transactions are validated and loaded into a database for subsequent analysis.

The system uses pre-defined criteria or patterns for potential fraud detection. Pre-formatted reports provide information on those stores and transactions meeting the pre-established criteria. The system provides a series of spreadsheets and graphs that compare a specific store's data to the average for its firm type or to user-selected comparison stores. In addition, the system utilizes mapping software which translates the location address information into geo codes and enables the user to map the locations of selected authorized stores and track recipient transaction locations. The system identifies a retailer for further investigation, and the actual case of trafficking is made by staff on the basis that the transaction patterns cannot be explained based on the store size, layout, inventory, and other factors. Users are also able to supplement and/or confirm their analytic documentation by accessing the applicable state's EBT Processors' Administrative systems that maintain recipient data, through web access to the applicable state system.



7 CFR § 278.6(e) (1) (i) reads, in part, “FNS shall disqualify a firm permanently if personnel of the firm have trafficked as defined in § 271.2.” Trafficking is defined, in part, in 7 CFR § 271.2 as “the buying or selling of SNAP benefits for cash or consideration other than eligible food.” Such disqualification shall result from a finding of a violation on the basis of evidence that may include facts established through inconsistent redemption data and/or evidence obtained through a transaction report under an electronic benefit transfer system. Therefore, that Retailer Operations used computer printouts of transaction data and other reports, in addition to store visit observations and an analysis of household shopping behavior, in rendering a finding that violations indicative of trafficking were occurring, is as valid a means of establishing facts as direct evidence obtained through an on-site investigation and the eye witnessing of trafficking.

Regarding the denial of the trafficking allegations, this review encompasses and documents the examination of the primary and relevant information in this case, the purpose of which is, as noted herein, to determine whether Appellant demonstrates by a preponderance of the evidence that the permanent disqualification should be reversed. Assertions that the firm has not violated program rules, by themselves and without sufficient supporting evidence, do not constitute valid grounds for dismissal of the current charges of violations or for mitigating their impact.

Appellant appears to misconstrue its initial SNAP authorization as having bestowed upon it a right/entitlement to SNAP income and a corresponding perpetual and irreversible ownership/property interest in its SNAP authorization. It must be impressed upon Appellant that SNAP authorization is an administratively-granted privilege subject to the terms and conditions for participation detailed in the Act and the regulations. Thus, if a firm does not conform to the applicable statutes and regulations, the same provide for the firm’s removal from the program in accordance with the provisions detailed therein. Any rights or privileges resultant to a firm’s SNAP authorization are subject to revocation, along with that authorization, via the sanctions for violations detailed in the Act and implementing regulations. SNAP authorization is dependent solely upon whether a firm meets the eligibility requirements for participation and subsequently abides by the statute and implementing regulations. That a firm has profited or otherwise benefited from a SNAP authorization does not create a property interest which supersedes the statute or implementing regulations.

### **CIVIL MONEY PENALTY**

7 CFR §278.6(i) specifies the criteria for a store’s eligibility for a civil money penalty in lieu of permanent disqualification for trafficking. The criteria listed therein are, as a whole, specifically identified as a minimum standard that firms must meet in order to be eligible for such a penalty. Given these considerations, it is clear that the statute and the regulation allow no flexibility below the level of the stated standard.

Counsel contends:

- The Market has an effective compliance policy. It is to allow only authorized items to be purchased with SNAP benefits and to not exchange cash for benefits. This policy has been in operation during all relevant time periods in this matter.
- The owners, who also serve as store managers, oversee and implement this policy.

- This is a small store. All persons that work in this store are known to his clients.
- His client is not aware of any trafficking violations because no trafficking violations have occurred.
- I believe the only action warranted is a warning letter accompanied by a specific reference to the exact regulation that is claimed to be violated so my clients can take action to avoid future sanctions or a CMP based on this first allegation of infractions.
- There was no examination or consideration of my client's compliance policy or lack of prior violations.

The record reflects that Appellant's request for a CMP fell short of the regulatory standard that states, "substantial evidence" which demonstrates the firm "had established and implemented" an effective compliance policy and program to prevent violations was in place must be provided. As noted in the following:

Criterion 1:

- Appellant provided no written and dated documentation which reflect a commitment to ensure that the firm is operated in a manner consistent with SNAP regulations and policy.
- Documentation of the development and/or operation of a policy to terminate violating employees was not supplied.
- Documentation of development and/or operation of procedures/policy to implement corrective action in response to complaints of violations was not forthcoming.
- Documentation of development and/or operation of procedures providing for internal review of employees' compliance was not provided.

Criterion 2:

- Appellant did not provide documentary evidence to establish that the firm's compliance policy and program were in operation prior to the occurrence of the violations at issue.

Criterion 3:

- Appellant did not provide documentation of dated training curricula and dates of training sessions prior to the violations.
- Records of dates of employment of all firm personnel were not advanced.
- Contemporaneous documentation of participation of violating personnel in initial and follow-up training prior to violations was not provided.
- Appellant provided no documentation to demonstrate that its training program meets or is otherwise equivalent to the following standards:
  - Training for all who work in the store within one month of implementing the compliance policy documented in Criterion 1.
  - Any subsequently hired employees are trained within one month of hiring and trained periodically thereafter.
  - Training is designed to establish a level of competence that assures compliance.
  - Written materials, which may include FNS publications and regulations, are used in the training programs.
  - Materials that clearly state that acceptance of SNAP benefits in exchange for

cash, firearms, ammunition, explosives or controlled substances are prohibited and in violation of the statute and regulations.

Retailer Operations noted that the request for a CMP failed to meet the standards of Criterion 1, 2, and 3. Accordingly, Retailer Operations determined that Appellant did not qualify for a civil money penalty in lieu of a permanent disqualification.

### **CONCLUSION**

Retailer Operations' analysis of Appellant's EBT transaction record was the primary basis for its determination to permanently disqualify the retailer. While Attachment 1 was not convincing as to trafficking, the other three Attachments provided substantial evidence that the questionable transactions during the review period had characteristics that are consistent with trafficking violations in SNAP benefits. While the charged owners were given the opportunity to explain and provide evidence of the legitimacy of the questionable transactions, the contentions and evidence advanced do not outweigh the evidence in the record.

Therefore, based on a review of all of the evidence in this case, it is more likely true than not true that program violations did in fact occur as charged by Retailer Operations. Retailer Operations also properly determined that Appellant was not eligible for a trafficking civil money penalty according to the terms of 7 CFR Section 278.6(i) of the SNAP regulations. Therefore, based on the discussion herein, the decision to impose a permanent disqualification against Appellant is sustained.

### **RIGHTS AND REMEDIES**

Your attention is called to Section 14 of the Food and Nutrition Act of 2008 and to Section §279.7 of the Regulations (7 CFR § 279.7) with respect to applicable rights 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 the Appellant's owners reside or are engaged in business, or in any court of record of the State having competent jurisdiction. If any Complaint is filed, it must be filed within thirty (30) days of receipt of this Decision.

Under the Freedom of Information Act (FOIA), it may be necessary to release this document and related correspondence and records upon request. If we receive such a request, we will seek to protect, to the extent provided by law, personal information that if released, could constitute an unwarranted invasion of privacy.

/s/  
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M. VIENS  
ADMINISTRATIVE REVIEW OFFICER

January 24, 2017  
DATE