

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

Doc's Food Store,

Appellant,

v.

Retailer Operations Division,

Respondent.

Case Number: C0218700

FINAL AGENCY DECISION

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

ISSUE

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

AUTHORITY

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

SUMMARY OF CHARGES

The Appellant was charged with trafficking and subsequently permanently disqualified from SNAP based on an analysis of EBT transaction data from December 2018 through May 2019. This involved the following transaction patterns which are common trafficking indicators:

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

CASE CHRONOLOGY

The agency's record shows that FNS initially authorized Doc's Food Store for SNAP participation as a convenience store on September 25, 2007. In a letter dated July 10, 2019, the Retailer Operations Division charged the Appellant with trafficking, as defined in Section 271.2 of the SNAP regulations, based on a series of irregular SNAP transaction patterns that occurred between the months of December 2018 and May 2019. The letter noted that the penalty for trafficking is permanent disqualification as provided by 7 CFR § 278.6(e)(1). The letter also stated that the Appellant could request a civil money penalty (CMP) in lieu of permanent disqualification for trafficking, but noted that such a request must be made and supporting documentation submitted within 10 days of receipt of the charge letter under the conditions specified in 7 CFR § 278.6(i).

In a letter faxed on July 23, 2019, the Appellant, through counsel, responded to the charges, denying that the firm had engaged in trafficking violations. The Appellant stated that it conducted its own investigation and concluded that no evidence of anything remotely resembling trafficking was found. Store management believed that the only improper thing that may have occurred during the time period in question was the sale of ineligible items to SNAP customers, such as hot foods or prepared foods.

The Appellant argued that a disqualification would impose a hardship on SNAP customers in the area. It further stated that a permanent disqualification is not warranted in circumstances where it appears that the most serious error may have been inadvertent sales of ineligible items. The Appellant also noted that the firm's managing member was away from the business due to severe health problems, and his absence coincides with the time period in question. His absence resulted in some disruption to the operation. However, the Appellant claimed that he is now back on the job and there will be additional supervision, and there should not be any problems going forward.

The Appellant further claimed that the firm had implemented a policy for corrective action following any problems with SNAP compliance and believed that it had an adequate training program for its employees and managers in the acceptance and handling of SNAP benefits. The firm's policies and procedures for training its employees are copies of USDA materials, which the Appellant included in its response.

In lieu of disqualification of any length, the Appellant requested that FNS consider a warning letter which specifically outlines the compliance issues that need to be addressed. Finally, the Appellant stated that if a sanction is necessary, it would request consideration of an appropriate civil money penalty in lieu of disqualification – one that is proportionate to any mistakes that may have been made in the absence of the managing member of the firm.

After reviewing the Appellant's response and further considering the evidence in the case, the Retailer Operations Division concluded that trafficking had occurred as charged and issued a determination letter dated August 29, 2019. This letter informed the Appellant that it would be permanently disqualified from SNAP upon receipt of the letter in accordance with 7 CFR § 278.6(c) and § 278.6(e)(1). The letter also stated that the Retailer Operations Division considered the Appellant's eligibility for a trafficking CMP according to the terms of Section 278.6(i) of the SNAP regulations, but found that a CMP was not appropriate in this case because the Appellant failed to submit sufficient evidence to demonstrate that the firm had established and implemented an effective compliance policy and program to prevent SNAP violations.

In a letter postmarked September 5, 2019, the Appellant, through counsel, appealed the Retailer Operations Division's determination by requesting an administrative review. The request was granted.

STANDARD OF REVIEW

In an appeal of adverse action, such as disqualification from SNAP participation, an appellant bears the burden of proving by a preponderance of the evidence that the administrative action should be reversed. This means that an appellant has the burden of providing relevant evidence which a reasonable mind, considering the record as a whole, would accept as sufficient to support a conclusion that the matter asserted is more likely to be true than not true.

CONTROLLING LAW AND REGULATIONS

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

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

...[A] disqualification under subsection (a) shall be...permanent upon...the first occasion or any subsequent occasion of a disqualification based on the purchase of coupons or trafficking in coupons or authorization cards by a retail food store or wholesale food concern or a finding of the unauthorized redemption, use, transfer, acquisition, alteration, or possession of EBT cards...

7 CFR § 278.6(a) states, in part:

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

7 CFR § 278.6(e)(1)(i) states:

FNS shall disqualify a firm permanently if personnel of the firm have trafficked as defined in § 271.2.

7 CFR § 271.2 states, in part:

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

7 CFR § 271.2 states, in part:

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

7 CFR § 278.6(b)(1) states, in part:

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

7 CFR § 278.6(c) states, in part:

The letter of charges, the response, and any other information available to FNS shall be reviewed and considered by the appropriate FNS regional office, which shall then issue the determination. In the case of a firm subject to permanent disqualification under paragraph (e)(1) of this section, the determination shall inform such a firm that action to permanently disqualify the firm shall be effective immediately upon the date of receipt of the notice of determination from FNS, regardless of whether a request for review is filed in accordance with part 279 of this chapter.

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

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

7 CFR § 278.6(b)(2)(iii) states:

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

7 CFR § 278.6(i) states, in part:

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

APPELLANT'S CONTENTIONS

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

- Appellant has submitted additional documentation to illustrate that the firm had a compliance and training regimen in place to prevent violations.
- Next to each cash register in the store, management had printouts from the FNS website, entitled "What Can SNAP Buy?" These printouts contain information provided to SNAP retailers by USDA.
- The Appellant had previously determined that Doc's Food Store falls well below the threshold for classification as a restaurant due to the fact that its prepared food sales are a very nominal portion of the firm's total sales. Pursuant to 7 CFR § 271.2 and § 278.1(b)(1)(iv) of the SNAP regulations, Doc's Food Store is not a restaurant, and the majority of its sales are staple foods, as defined in § 271.2.
- In order to help employees fully understand SNAP requirements, they were provided with copies of RPMD Policy Memorandum 2017-02, "Retailer Eligibility – Prepared Foods and Heated Foods."
- The firm has been unable to find any evidence whatsoever that the firm was engaged in trafficking.
- A disqualification is not warranted in this instance, and such an action imposes an undue hardship on SNAP customers who rely on the store for their basic daily needs.
- Based on the above, Appellant requests that the decision made by the Retailer Operations Division be reversed.

In support of its contentions, the Appellant submitted the following documentation:

- Printout from FNS's website of a page entitled, "What Can SNAP Buy?"

- Copy of RPMD Policy Memorandum 2017-02, “Retailer Eligibility – Prepared Foods and Heated Foods,” dated September 29, 2017.

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

ANALYSIS AND FINDINGS

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

Contractor Store Visit

The case file indicates that in reaching a disqualification determination, the Retailer Operations Division considered not only the Appellant firm’s EBT transactions, but also information obtained from a December 13, 2018, store visit which was conducted by an FNS contractor to observe the nature and scope of the firm’s operation, stock, and facilities. This store visit information was used to ascertain if there were justifiable explanations for the firm’s irregular SNAP transaction patterns. The store visit report and photographs documented the following store size, description, and characteristics:

- Doc’s Food Store is a convenience store/gas station, roughly 1,200 square feet in size, operating in Haltom City, Tarrant County, Texas.
- At the time of the contractor’s visit, the firm did not have any shopping carts or hand-held baskets for customer use, which is not unusual for stores of this size. Customers shopping in convenience stores generally purchase only as much food as they can carry in their arms.
- The store visit photographs show two cash registers and agency records reflect the use of one EBT point-of-sale terminal for SNAP purchases. It appears that an optical scanner is available to ring up items on the cash register.
- The store’s staple food stock is meager and if the firm was not subject to disqualification, it would likely be found ineligible for continued program authorization. Regulations require that a firm carry at least three stocking units in three different varieties in each of the four staple food categories. In this case, the firm is deficient in the dairy category. The only varieties in sufficient quantities on the day of the store visit were milk and cheese. There appears to be no other dairy products in the store.
- The inventory at the firm is typical of a convenience store, with a heavy emphasis on snack foods, carbonated and uncarbonated drinks, alcoholic beverages, tobacco products, and nonfood items such as gasoline, automotive products, lottery tickets, and other miscellaneous household merchandise. The store also sells a large amount of hot food

and has enough tables and chairs to accommodate approximately 36 customers for onsite dining. There are also four gaming machines in the store.

- The checkout area includes two small countertop spaces. The checkout area is not suitable for conducting large or rapid transactions as there is little space on the counter to place more than a few items at a time and little room for customers to maneuver with large amounts of groceries.
- There is no indication from the store visit report that the firm has a special pricing structure, although most items appear to end with a cents-value of 9, such as \$0.99, \$1.89, \$3.29, etc. The report also states that the firm does not round transaction totals up or down at checkout.
- There is no indication from the report that the firm has special food packages for sale or that items are sold in bulk. According to the report, the most expensive food items available for purchase include an 11.3-ounce package of Folgers coffee for \$6.29; a 3.25-ounce package of Jack Links jerky for \$6.99; a 12-count case of soda for \$6.99; and 4-count pack of Red Bull energy drink for \$7.99.

The available inventory of SNAP-eligible food at the time of the store visit showed stock that would be typical of a convenience store/gas station, where households normally purchase a limited number of items to supplement their overall dietary needs. There was no indication that SNAP households would be inclined to regularly visit Doc's Food Store to purchase large quantities of groceries, especially considering the absence of shopping carts and baskets and the availability of much larger grocery stores in the area, including at least four full-line supermarkets and superstores within two miles of the store. Given the available inventory and the store's characteristics, this review could find no reason why the Appellant firm's SNAP redemption patterns differed so significantly from those of similar-sized competitors.

SNAP Transaction Analysis

Charge Letter Attachment 1: Multiple transactions were made from the accounts of individual SNAP households within a set time period. This attachment lists 26 sets of transactions (64 transactions in all) **5 U.S.C. § 552 (b)(6) & (b)(7)(C)**. Violating stores often conduct multiple transactions from the same household account in short periods of time to avoid the detection of single high-dollar transactions that cannot be supported by the retailer's inventory, store type, and structure.

5 U.S.C. § 552 (b)(6) & (b)(7)(C).

Such repetitive transaction sets and dollar amounts at a standard convenience store/gas station like Doc's Food Store are highly irregular and are often an indication of trafficking. As such, these transactions warrant further explanation.

The Appellant has not offered any specific contentions related to Attachment 1 except to claim that the firm conducted its own internal investigation and found no instances of trafficking. Unfortunately, this explanation, which was offered without evidence, does not

sufficiently justify the unusual transaction patterns found in Attachment 1. Based on the compelling evidence provided by the Retailer Operations Division, it is therefore reasonable for this review to conclude that trafficking was a likely cause of the transaction patterns listed in this attachment.

Charge Letter Attachment 2: The store conducted EBT transactions that were large based on observed store characteristics and recorded food stock. This attachment lists 532 SNAP transactions **5 U.S.C. § 552 (b)(6) & (b)(7)(C)**. These large transactions are not consistent with a convenience store in the state of Texas. The Retailer Operations Division has determined that during the review period, the average SNAP transaction amount for a convenience store in Texas was \$7.52. In Tarrant County, the average was even lower, at just \$7.18 per transaction. The average transaction in Attachment 2 is more than five times larger than the average purchase amount for this store type.

Given that the Appellant firm has a modest inventory of staple foods as well as other SNAP-eligible items, including snacks and drinks, it is probable that there would be an occasional purchase where the transaction amount is high, **5 U.S.C. § 552 (b)(6) & (b)(7)(C)**. As such, there may be some legitimate SNAP transactions sprinkled among the transactions listed in Attachment 2. However, as noted earlier, there is no evidence that the firm would be likely to have SNAP redemption patterns that differ significantly from nearby, similar-sized competitors, especially considering the lack of shopping carts and baskets and the availability of much larger stores in the area. The substantial number of high-dollar transactions in a six-month period calls into question the legitimacy of these transactions.

5 U.S.C. § 552 (b)(6) & (b)(7)(C).

It is also notable that the store had a large number of even-dollar transactions, including 16 transactions **5 U.S.C. § 552 (b)(6) & (b)(7)(C)**. As noted earlier, the firm's pricing structure is such that the vast majority of prices end in 9, such as \$0.99, \$1.89, etc. The store visit report also indicated that the store does not round transaction totals up or down at checkout. The store also does not sell expensive meat bundles or other cases of food or drink for large, even-dollar amounts. As such, these transactions are considered highly unusual and warrant further explanation.

The Appellant has not offered any specific contentions related to Attachment 2 except to claim that the firm conducted its own internal investigation and found no instances of trafficking.

This review does not doubt that Doc's Food Store sells eligible food items and conducts legitimate SNAP transactions. There is no evidence that this has ever been questioned. But when unusually large transactions form patterns that are substantially different from comparable stores in the area, further evidence from the Appellant is warranted to verify that there is not something more, such as trafficking or other program violations, taking place. In this case, the Appellant has not offered any evidence, such as cash register receipts or other accounting or inventory records, to help explain what occurred between the customer and store personnel at the point of sale for the specific transactions listed in the charge letter.

Accordingly, it is the finding of this review that trafficking was a likely cause of the transaction patterns.

The transactions identified in the charge letter are highly irregular and substantially different from comparable stores in the area. In an appeal of adverse action, the onus is on the Appellant to prove, by a preponderance of the evidence, that the administrative action should be reversed. This means submitting sufficient and compelling evidence that would lead a reviewer to conclude that trafficking did not occur. Unfortunately the Appellant's contentions and evidence do not meet this standard, and thus, does not prove by a preponderance of the evidence that trafficking did not take place during the review period.

Warning Letter / Employee Training Program / Civil Money Penalty

After conducting an internal investigation, the Appellant concluded that the only potential SNAP violations that may have occurred at the store during the review period were inadvertent sales of ineligible items, such as hot food. The Appellant implied that this was likely due to the fact that the managing member was away from the store due to health issues. With this in mind, the Appellant requested that FNS consider a warning letter which specifically outlines the compliance issues that need to be addressed. The Appellant further stated that if a sanction was necessary, it would request consideration of a civil money penalty in lieu of disqualification – one that would be proportionate to any mistakes that may have occurred during the absence of the firm's managing member.

Finally, the Appellant claimed that the firm had implemented a policy for corrective action should any problems with SNAP compliance arise and stated that it had an adequate training program for its employees and managers in the acceptance and handling of SNAP benefits. According to the Appellant, its policies and procedures for training its employees are copies of USDA materials found on the FNS website. Along with its response to the charge letter, the Appellant provided 11 pages of documents from the agency's website, including a copy of RPMD Policy Memorandum 2017-02: "Retailer Eligibility – Prepared Foods and Heated Foods," and a document entitled "What are Staple Foods?" – a detailed explanation of the types of food varieties that are considered staple foods for purposes of determining a firm's SNAP eligibility. Also included was a document entitled "Accessory Foods List," which identifies specific products that are considered accessory foods rather than staple foods.

In its request for administrative review, the Appellant claims that the firm falls well below the threshold for classification as a restaurant because its prepared food sales are a nominal portion of its total sales, and claims that the majority of its sales are staple foods. With this in mind, the Appellant re-submitted a copy of RPMD Policy Memo 2017-02, and stated that store personnel were provided with copies of this memo "in order that the employees fully understand the requirements." The Appellant also provided a printout of an FNS webpage entitled, "What Can SNAP Buy?" The Appellant claims that this printout was posted next to the firm's cash registers.

According to the Appellant, the documentation described above illustrates that the firm had

a compliance and training regimen in place to prevent program violations. This review does not agree.

Regarding the Appellant's contentions and documentation in this matter:

- 1) The firm is not eligible for a warning letter, as requested by the Appellant. A warning letter is appropriate only if the violations are too limited to warrant a period of disqualification. This review finds the allegations of trafficking to be convincing and the Appellant has offered no evidence or compelling explanation to convince this review otherwise.
- 2) This review agrees that the firm is not a restaurant, but this designation has nothing whatsoever to do with the allegations of trafficking. RPMD Policy Memo 2017-02 is wholly irrelevant to the present case. The purpose of the memo is strictly for determining whether or not a firm meets eligibility requirements. Presenting this memo to store employees would not help them in any way when it comes to processing SNAP transactions at the point of sale. Similarly, the documents "What are Staple Foods?" and the "Accessory Foods List" are also for purposes of determining program eligibility. The information in these documents is useful, but all food items mentioned are eligible for purchase with SNAP benefits. These documents are of little use in training a cashier how to properly handle and transact SNAP benefits.
- 3) The document "What Can SNAP Buy?", which was submitted with the Appellant's request for administrative review, was not provided within 10 days of receiving the charge letter, as required by 7 CFR § 278.6(b)(2)(ii). As such, it cannot be considered. It is noted that there is no evidence in the contractor's store visit report and photographs that this document was posted near the firm's cash registers. Additionally, it is noted that the printout submitted by the Appellant is dated October 11, 2019, which is after both the charge letter and the determination letter. This suggests that the document was not posted in the store until after the firm's disqualification took effect.
- 4) The primary issue regarding the imposition of a civil money penalty in lieu of permanent disqualification for trafficking is whether or not the Appellant meets each of the four established eligibility criteria for this alternative penalty (see page 5 of this document for a listing of the four criteria). These criteria must be met in order for a firm to successfully demonstrate that it had established and implemented an effective compliance policy and training program to prevent SNAP violations.

In accordance with 7 CFR § 278.6(i), fulfillment of each of the four criteria must be established by "substantial evidence." A key requirement is that the firm shall establish that its compliance policy and program were in operation at the location where the violations occurred prior to the occurrence of the violations cited in the charge letter. Standards of evidence in this regard are found in 7 CFR § 278.6(i)(1) and (2). Such evidence includes documented training activities, including dated training curricula and records showing the dates that training sessions were conducted. The firm must also provide a record of dates of employment of firm personnel, and documentation that violating employee(s) participated in initial training (within 30 days of employment) and follow-up trainings held prior to the current violations. The regulations further state that in determining whether a firm has

established an effective policy to prevent violations, FNS shall consider written and dated statements of firm policy which reflect a commitment to ensure that the firm is operated in a manner consistent with current SNAP regulations and policy on the proper acceptance and handling of SNAP benefits. The regulation also indicates that a firm's policy statements shall be considered only if documentation is supplied which establishes that the policy statements were provided to the violating employee(s) prior to the commission of program violations.

Unfortunately, the Appellant has offered no evidence of specific firm policy related to the proper acceptance and handling of SNAP benefits and there is no evidence of a training program. If such policies and programs exist at the store, there has been no evidence provided that such policies and programs were in operation prior to the occurrence of the alleged trafficking violations. FNS website printouts, while informative, are publicly available online for all retailers and offer little insight into Doc's Food Store's specific store policies.

As noted earlier, fulfillment of each of the four criteria in 7 CFR § 278.6(i) must be established by "substantial evidence." Because the firm has failed to offer sufficient evidence of written store policy, and because the transactions listed in Attachments 1 and 2 of the charge letter are sufficiently unusual and likely the result of trafficking, this review concludes that the firm's policy and training program was either nonexistent or ineffective to prevent program violations. Accordingly, this review agrees with the Retailer Operations Division that the Appellant does not satisfy the requirements of a civil money penalty in lieu of permanent disqualification for trafficking.

Hardship to Appellant and SNAP Recipients

The Appellant contends that a disqualification of Doc's Food Store imposes an undue hardship on SNAP customers who rely on the store for their basic daily needs.

With regard this contention, it is recognized that some degree of inconvenience to SNAP households is likely whenever a SNAP-authorized store is disqualified and a household is forced to use its benefits elsewhere. Regulations at 7 CFR § 278.6(f) do allow, in some circumstances, for a civil money penalty to be imposed in lieu of disqualification when there is an absence of other SNAP-authorized retailers in the area. However, the regulations are clear that a CMP for hardship to SNAP households may not be imposed in lieu of permanent disqualification for trafficking.

CONCLUSION

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

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

RIGHTS AND REMEDIES

Applicable rights to a judicial review of this decision are set forth in Section 14 of the Food and Nutrition Act of 2008 (7 U.S.C. § 2023) and in Section 279.7 of the SNAP regulations. If a judicial review is desired, the complaint, naming the United States as the defendant, must be filed in the U.S. District Court for the district in which the Appellant owner resides or is engaged in business, or in any court of record of the State having competent jurisdiction. If a complaint is filed, it must be filed within 30 days of receipt of this decision.

Under the Freedom of Information Act, we are releasing this information in a redacted format as appropriate. FNS will protect, to the extent provided by law, personal information that could constitute an unwarranted invasion of privacy.

JON YORGASON
Administrative Review Officer

January 29, 2020