

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

G & K Food Corp,

Appellant,

v.

Case Number: C0206039

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 a permanent disqualification of G & K Food Corp. (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 G & K Food Corp.

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 based on an analysis of EBT transaction data from July 2017 through December 2017. 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 period of time.
- Excessively large purchase transactions were made from recipient accounts.

CASE CHRONOLOGY

The agency's record shows that FNS initially authorized G & K Food Corp. for SNAP participation as a medium grocery store on August 26, 2004. In a letter dated February 21, 2018, 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 July 2017 and December 2017. 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 within 10 days of receipt of the charge letter under the conditions specified in 7 CFR § 278.6(i).

In correspondence between March 2, 2018, and March 20, 2018, the Appellant, through counsel, responded to the trafficking charges. The main response was given in a three-page letter postmarked March 20, 2018. In its response, the Appellant insisted that trafficking was not occurring at G & K Food Corp.; rather, the transactions listed in the charge letter occurred during the normal course of business. The Appellant further argued that a charge of trafficking cannot be based on a list of flagged transactions without additional evidence, such as an onsite investigation or surveillance, to corroborate the allegations. Additionally, the Appellant stated that the firm has been in business in the community for many years and has never been the subject of an investigation. It also stated that the firm cannot be penalized for customer shopping preferences and argues that there is no allegation or evidence that the firm exchanged SNAP benefits for cash or consideration besides eligible foods.

In support of its reply, the Appellant submitted signed affidavits from six SNAP customers certifying that they have made food purchases at G & K Food Corp.

It is important to note that on March 5, 2018, the Appellant, through counsel, submitted a two-page request for a civil money penalty in lieu of permanent disqualification. Although the Appellant disputes the trafficking charges, a request for a CMP was made to preserve its rights for such a penalty since the timeframe for requesting a CMP cannot be extended. In its request for a CMP, the Appellant outlined the reasons why it believed it met the four eligibility criteria identified in 7 CFR § 278.6(i). It should further be noted that the Appellant did not submit any documentation to support its claims of eligibility for a CMP.

After reviewing the Appellant's responses 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 April 20, 2018. 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 determined 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 May 1, 2018, the Appellant appealed the Retailer Operations Division's determination by requesting an administrative review. The request was granted.

STANDARD OF REVIEW

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

CONTROLLING LAW AND REGULATIONS

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

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

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

7 CFR § 278.6(a) states, in part:

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

7 CFR § 278.6(e)(1)(i) states:

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

7 CFR § 271.2 states, in part:

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

7 CFR § 271.2 states, in part:

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

7 CFR § 278.6(b)(1) states, in part:

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

7 CFR § 278.6(c) states, in part:

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

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

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

7 CFR § 278.6(b)(2)(iii) states:

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

7 CFR § 278.6(i) states, in part:

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

APPELLANT'S CONTENTIONS

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

- In its determination letter, FNS did not set forth specific grounds for its findings. However, the Appellant submitted sufficient evidence to show that the alleged trafficking violations did not occur.
- The allegations of trafficking fail under Section 271.2 of the SNAP regulations. It is unclear whether the conduct identified in the charge letter even falls under any of the

trafficking definitions found in § 271.2. The accusation that the EBT transactions “establish clear and repetitive patterns of unusual, irregular, and inexplicable activity” may very well describe innocent conduct and does not fall under any of the definitions found in § 271.2. For FNS to deem this conduct as unlawful is arbitrary and capricious.

- FNS did not provide any independent observations or surveillance which could corroborate any claims of trafficking. A finding of trafficking must be based on evidence. The sole evidence is a report of EBT transactions which does not even come close to supporting a charge of trafficking.
- That multiple transactions were made within a set time period does not mean that violations were committed. It is common for customers to purchase items separately. For example, customers sometimes prefer to separate the meat from other groceries. Additionally, they will make separate purchases because they cannot carry multiple items at once and must return to the store to buy the rest of their items on their grocery list. The business cannot be penalized for customer or culturally-based preferences.
- The allegation of “excessively large transactions” does not take into account business practices. The largest transaction in Attachment 2 is not excessively high for this type of business. The firm is a primary grocer for many people and is ideally located on a street corner accessible to hundreds of residents in the area. Cooking ingredients can easily add up to over 5 U.S.C. § 552 (b)(6) & (b)(7)(C).
- Some households prefer to do their shopping just once or twice a month. Customer affidavits submitted by the Appellant demonstrate this preference. This means that they buy in bulk when they go shopping. Buying enough rice, meats, milk, bread, juice, water, cooking oil, sugar, coffee, and other foods only once a month would undoubtedly result in a purchase amount of over 5 U.S.C. § 552 (b)(6) & (b)(7)(C). Again, the business cannot be penalized for this customer preference.
- A charge of trafficking cannot be supported on the basis of the flagged transactions.
- In addition to providing a substantial number of food items for hundreds of SNAP households, the business has existed in the community for many years and has never been the subject of an investigation into SNAP violations.
- There is no allegation that the business exchanged SNAP benefits for cash or other consideration besides eligible foods and there is no evidence that the practice of this business deviates from other similarly-situated businesses.
- The credible reasons provided by the Appellant should be enough to reverse the disqualification determination.

In support of its contentions, the Appellant provided six signed affidavits from SNAP customers attesting to shopping at G & K Food Corp. and claiming that their purchases have been for food items only.

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 contentions and evidence 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 an October 5, 2017, 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:

- G & K Food Corp. is a medium grocery store, approximately 800 square feet in size, operating in New York City, New York.
- At the time of the contractor's visit, the firm had no shopping carts or shopping baskets, which is not unusual for stores of this size. Customers shopping in such stores routinely purchase only as much food as they can carry in their arms.
- The store visit photographs show one cash register for food purchases and agency records reflect the use of one EBT point-of-sale device.
- It does not appear that the firm uses optical scanners to process transactions.
- The store's staple food stock is moderate in each of the four staple food categories. The food selection is typical of a small or medium grocery store.
- SNAP-eligible, non-staple accessory food items available at the store include non-carbonated drinks, snacks, candy, and condiments. The store also sells ineligible, nonfood items, including alcoholic beverages, tobacco products, lottery tickets, and miscellaneous household merchandise.
- The store also has a kitchen and deli area where hot and cold made-to-order food items are prepared. Such items include fresh sandwiches, fried chicken, fried pork, fried beef, sausage, etc. The store also sells deli meat and cheese by the pound, although the prices for such foods were not posted in the store.
- At the time of the contractor's visit, the firm was an authorized retail store in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). This is reflected in the food items available for purchase with WIC benefits, including fresh produce, canned tuna, fruit juice, eggs, bread, milk, breakfast cereal, legumes, peanut butter, and infant foods such as infant formula and jars of baby food. It should be noted that the vast majority of SNAP households that contain infants are also eligible for WIC participation. Therefore, it is uncommon for such households to purchase expensive infant formula with their SNAP benefits; rather, they use WIC vouchers to make such purchases.

- The checkout area consists of a small glass countertop where items can be placed for purchase. To reach the counter, a customer must reach across a slide-top floor freezer. The constricted checkout area is not suitable for conducting large or rapid transactions as there is very 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. The report also states that the firm does not round transaction totals up or down at checkout.
- According to the report, the most expensive food items available for purchase at the Appellant store include a 20.5-ounce container of Enfamil infant formula for \$35.99; a 50-pound bag of rice for \$19.99; a 25-pound bag of sugar for \$15.99; and a 25.4 fluid-ounce bottle of olive oil for \$10.99.

The available inventory of SNAP-eligible food at the time of the store visit showed stock that would be typical of a small neighborhood market, where households normally purchase a limited number of items. There was no indication that SNAP households would be inclined to regularly visit G & K Food Corp. to purchase large quantities of groceries, especially considering the absence of shopping carts and baskets, the constricted checkout area, and the availability of much larger grocery stores in the immediate area, including a superstore quite literally across the street from G & K Food Corp.

Given the available inventory and the store's characteristics, this review could find no reason why the Appellant firm's SNAP redemption patterns would differ so significantly from those of nearby, similar-sized competitors.

SNAP Transaction Analysis

Charge Letter Attachment 1: Multiple transactions were made from the accounts of individual SNAP households within a set period of time. This attachment lists 30 sets of transactions (63 transactions in all) 5 U.S.C. § 552 (b)(6) & (b)(7)(C). 5 U.S.C. § 552 (b)(7)(E).

For example 5 U.S.C. § 552 (b)(6) & (b)(7)(C). The three transactions totaled 5 U.S.C. § 552 (b)(6) & (b)(7)(C), an extraordinary amount for a small store like G & K Food Corp., which has no shopping carts or baskets and a very small checkout area.

5 U.S.C. § 552 (b)(6) & (b)(7)(C).

Considering the amount of food it would take to add up to these transaction totals, and considering that the firm has no shopping carts or baskets, it seems very unlikely that these could be legitimate transactions. Such transactions are highly unusual and are strongly suggestive of trafficking. Attachment 1 is filled with similar examples. 5 U.S.C. § 552 (b)(6) & (b)(7)(C):

5 U.S.C. § 552 (b)(6) & (b)(7)(C)

The Appellant contends that multiple transactions within a set time period does not mean that violations were occurring. It claims that it is common for customers to purchase items separately.

For example, the Appellant states that customers sometimes prefer to separate the meat from other groceries or will separate purchases because they cannot carry many items at once and must return to the store to buy additional food. The Appellant states that the firm cannot be penalized for customer or culturally-based preferences.

Unfortunately, the Appellant has not submitted any evidence, such as itemized cash register receipts, inventory records, or other accounting documentation to show that the specific transactions in question were legitimate purchases of eligible food. Anecdotal explanations without supporting documentation do little to convince this review that the transactions in Attachment 1 were legitimate purchases.

Without compelling evidence to prove that the transactions listed in Attachment 1 were legitimate purchases of eligible food, it is reasonable for this review to conclude that that they were likely the result of trafficking violations.

Charge Letter Attachment 2: Excessively large purchase transactions were made from recipient accounts. This attachment lists 133 SNAP transactions

5 U.S.C. § 552 (b)(6) & (b)(7)(C). These large transactions are not consistent with a medium grocery store in the state of New York. The Retailer Operations Division has determined that during the review period, the average SNAP transaction amount for a medium grocery store in New York was \$15.51. In New York City, the average was even lower, at just \$12.54 per transaction. The average transaction in Attachment 2 is more than six times larger than the average purchase amount for this store type.

5 U.S.C. § 552 (b)(6) & (b)(7)(C). 5 U.S.C. § 552 (b)(7)(E).

5 U.S.C. § 552 (b)(6) & (b)(7)(C). Considering how many food items it would typically take to add up 5 U.S.C. § 552 (b)(6) & (b)(7)(C), and considering that the store does not have any shopping carts or baskets, and given the fact that there are much larger grocery stores in the area with substantially greater inventory and variety, including a superstore virtually across the street, this review finds it unlikely that SNAP households would legitimately choose to spend large portions of their benefit allotments at a small store such as G & K Food Corp.

As with Attachment 1, the Appellant firm had many more suspicious transactions in Attachment 2 than nearby similar-sized stores. See below:

5 U.S.C. § 552 (b)(6) & (b)(7)(C)

It is presumed that the same external factors, such as convenient location and customer shopping preferences, would impact the comparable stores much the same as G & K Food Corp. Why, then, would the Appellant store have so many more large transactions than other stores with similar, or even greater inventory? Unfortunately, the Appellant's anecdotal explanations do not answer this question.

It is the finding of this review that the attachments furnished with the charge letter adequately identify the irregular patterns of SNAP transactions which indicate that trafficking was likely

taking place. The transactions listed in the charge letter are highly unusual and substantially different from comparable stores in the area. Based on these and other factors, such as the store's physical characteristics and inventory, the case of trafficking is convincing.

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 evidence is not compelling and does not verify that the specific transactions listed in the charge letter were legitimate purchases of eligible food. Without reasonable evidence, it is the conclusion of this review that the transactions listed in the charge letter were, more likely than not, the result of trafficking violations committed by the Appellant.

Customer Affidavits

As noted earlier, the Appellant submitted six signed affidavits signed by SNAP recipients. Each affidavit has a similar message: the affiant is a regular customer of G & K Food Corp. and has always used its EBT benefits for valid purchases.

With regard to these affidavits, this review finds such documentation to be of little evidentiary value. Experience has shown that SNAP recipients rarely admit to trafficking, especially when such an admission could potentially expose them to administrative and/or criminal charges. Customer declarations, affidavits, and petitions routinely attest to irregular transactions being legitimate even when there is strong evidence to suggest otherwise.

Therefore, signed affidavits without compelling supporting evidence to corroborate the claims do not provide a valid basis for dismissing the charges or for mitigating the penalty imposed.

Trafficking Case based on EBT Data

The Appellant, through counsel, has made a number of contentions related to the fact that USDA's case is based largely on an analysis of electronic transaction data. The Appellant argues that the allegations of trafficking lack independent observations or surveillance which could corroborate any claims of trafficking. According to the Appellant a finding of trafficking must be based on evidence. From the Appellant's perspective, the sole evidence in this case is a report of EBT transactions which it believes does not come close to supporting a charge of trafficking. Finally, the Appellant argues that the accusations of "clear and repetitive patterns of unusual, irregular, and inexplicable activity" do not fall under any of the trafficking definitions found in 7 CFR § 271.2.

With regard to these contentions, this review acknowledges that a conclusion of trafficking cannot be drawn from EBT data alone, nor would it be possible to do so in a case based primarily on inconsistent redemption data. It is noted that FNS employs a computerized fraud detection tool to identify EBT transactions that form patterns having characteristics indicative of trafficking. However, this tool does not, by itself, determine or conclude that trafficking has occurred. The Retailer Operations Division must still analyze the transaction data and patterns with other factors, such as observations from a store visit, an analysis of customer shopping

behavior, and a comparison with similar stores in the area, and then render a determination as to whether or not the questionable transactions were, more likely than not, the result of trafficking. The legality of this method is identified in 7 CFR § 278.6(a) which 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.]

Prior to a disqualification determination, the accused firm is given ample opportunity to reply to the charges and provide any information it deems appropriate in justifying as legitimate the transaction activity detailed in the charge letter.

It should be noted that this reviewer has thoroughly examined the documentation and information provided by the Retailer Operations Division and found no evidence to suggest that the agency simply churned out numerical data and declared it to be trafficking. From all indications, the Retailer Operations Division obtained the EBT data, found it to be suspicious in comparison to other area stores of similar size, and then undertook a complete analysis before concluding that trafficking was likely occurring.

It is important to restate here that 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. Despite being presented with a specific list of questionable transactions, it offered no relevant evidence, such as itemized cash register receipts or inventory records, to prove that the specific transactions listed in the charge letter were legitimate purchases of eligible food.

No Prior Violations

The Appellant contends that the firm has existed in the community for many years and has never been the subject of an investigation into SNAP violations.

Unfortunately, this contention does not provide a valid basis for dismissing the charges or for modifying the disqualification penalty. The law states that when serious violations, such as trafficking, occur, permanent disqualification is the required penalty, even on the first occasion, as noted in 7 U.S.C. § 2021(b)(3)(B).

Civil Money Penalty

As noted earlier, the Retailer Operations Division determined that the firm was not eligible for a civil money penalty in lieu of permanent disqualification for trafficking because it did not submit sufficient evidence to demonstrate that the firm had established and implemented an effective compliance policy and training program to prevent SNAP violations. In accordance with regulations at 7 CFR § 278.6(b)(2), in order for a civil money penalty to be considered, a firm must not only notify FNS that it desires the agency to consider a trafficking CMP in lieu of permanent disqualification, but it must also submit appropriate documentation within designated

timeframes. Regulations further state that a firm shall establish “by substantial evidence” that it is eligible for a CMP and that it meets the four criteria outlined in 7 CFR § 278.6(i).

The case record shows that the Appellant, through counsel, made a timely request for a CMP in its reply to the charge letter. It even identified the reasons why it believed it met the CMP criteria listed in 7 CFR § 278.6(i). However, there is no evidence that the Appellant submitted any documentation that would confirm that the firm had a compliance policy or training program of any kind. Anecdotal explanations alone do not constitute “substantial evidence” of an effective compliance policy and training program.

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

CONCLUSION

An analysis of the Appellant’s EBT transaction record was the primary basis for the decision by the Retailer Operations Division to permanently disqualify G & K Food Corp. 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 and evidence in this case, the decision to impose a permanent disqualification against the Appellant, G & K Food Corp., 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

October 16, 2018