

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

Jiffy Mart of Sacramento,

Appellant,

v.

Retailer Operations Division,

Respondent.

Case Number: C0214517

FINAL AGENCY DECISION

It is the decision of the U.S. Department of Agriculture (USDA), Food and Nutrition Service (FNS) that there is sufficient evidence to support a finding that the permanent disqualification of Jiffy Mart of Sacramento (Jiffy Mart or Appellant) from participation as an authorized retailer in the Supplemental Nutrition Assistance Program (SNAP), as initially imposed by the Retailer Operations Division, was appropriate.

STANDARD OF REVIEW

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

ISSUE

The issue accepted for review is whether the Retailer Operations Division 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 USC § 2021 and the 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

In a letter dated February 13, 2019, the Retailer Operations Division charged Appellant with trafficking, as defined in Section 271.2 of the SNAP regulations, based on a series of irregular SNAP transaction patterns that occurred during the months of July 2018 through December 2018. The letter noted that the penalty for trafficking is permanent disqualification as provided by 7 CFR § 278.6(e)(1). The letter also noted that Appellant could request a trafficking civil money penalty (CMP) in lieu of a permanent disqualification within ten days of receipt under the conditions specified in 7 CFR § 278.6(i).

Appellant replied to the charges by letter on February 25, 2019. Appellant denied trafficking and explained the transactions were the result of allowing some customers to make repayments on credit accounts with SNAP benefits. After considering the retailer's reply and the evidence, the Retailer Operations Division issued a determination letter dated April 18, 2019. The determination letter informed Appellant that it was permanently disqualified from the SNAP in accordance with 7 CFR § 278.6(c) and § 278.6(e)(1). The determination letter also stated that Appellant was not eligible for a trafficking CMP because Appellant failed to submit sufficient evidence to demonstrate that the firm had established and implemented an effective compliance policy and program to prevent violations of the SNAP.

By letter postmarked April 29, 2019, ownership, through counsel, appealed the Retailer Operations Division's determination and requested an administrative review.

CONTROLLING LAW

The controlling statute in this matter is contained in the Food and Nutrition Act of 2008, as amended, 7 USC § 2021 and § 278 of Title 7 of the Code of Federal Regulations (CFR). Part 278.6(a), (c) 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 USC § 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 § 271.2 states that the definition of "coupon" includes:

... an electronic benefit transfer card or personal identification number issued pursuant to the provisions of the Food and Nutrition Act of 2008, as amended, for the purchase of 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 and hot food products prepared for immediate consumption.

7 CFR § 271.2 defines trafficking, in part, as:

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 § 278.6(a) states:

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)

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.

7 CFR § 278.6(i) states, inter alia:

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.

7 CFR § 278.6(b)(2) states, in part:

(ii) 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 as specified in § 278.6(i), 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).** [Emphasis added.]

(iii) **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. [Emphasis added.]

SUMMARY OF THE CHARGES

Appellant was charged and determined to be trafficking based on an analysis of EBT transaction data from July 2018 through December 2018. This involved the following SNAP transaction patterns which are indicative of trafficking:

- There were multiple transactions made from individual benefit accounts in a set time period.
- There were EBT transactions that are large based on the observed store characteristics and recorded food stock.

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.

APPELLANT'S CONTENTIONS

In its April 29, 2019, administrative review request, and subsequent correspondence dated May 24, 2019, Appellant provided the following summarized contentions:

- The charges are solely based on transactional reports and there is no evidence to support that trafficking occurred.
- There was no in-person investigation.
- There are no witnesses or any other evidence that trafficking occurred.
- Appellant acknowledged that it allowed deferred payment for SNAP eligible products and appellant immediately ended that accommodation to customers upon receipt of the charging letter.
- Appellant was able to locate several receipts and match them to the transaction reports.
- Appellant kept a record of deferred payment on scraps of cigarette cartons.
- Appellant did not keep a historical file of these cigarette carton scraps.
- Appellant submitted five statements from employees and 24 statements from customers that it did not engage in trafficking.
- All the evidence supports that the store allowed customers to defer payment for purchases.
- The denial of Appellant's ability to accept SNAP benefits poses a hardship to the community such that any disqualification is inappropriate and Appellant should be allowed to pay a civil fine in lieu of a disqualification.

In support of its contentions, Appellant provided a statement from owner with the following contentions and explanations:

- Appellant offers repeat customers the ability to delay payment for immediately necessary goods in time of hardship.
- It is difficult to provide conclusive, irrefutable evidence that no trafficking occurred.
- It is nearly impossible to provide records for every good purchases or to provide video or photographic evidence of the transactions occurring.

- Appellant’s business it is relatively light on written records both for SNAP transactions and general purchases, because of the administrative burden such record-keeping would pose.
- Some of the customers have moved when the nearby apartment complex closed.
- In the nearly 20 years that it has been an owner and operator of the store, it has never been the subject of any FNS enforcement and has strived to comply with SNAP regulations.
- Appellant is an important resource to the community and it provides perishable items to SNAP participants who otherwise would not be able to get them without hardship.

Appellant also submitted ten customer statements that purchased items on credit and 200 customer signatures confirming that a permanent disqualification will create a tremendous hardship on the community.

The preceding may represent only a brief summary of the Appellant’s contentions presented in this matter. However, in reaching a decision, full attention and consideration has been given to all contentions presented, including any not specifically recapitulated or specifically referenced.

ANALYSIS AND FINDINGS

Store Visit

FNS authorized Jiffy Mart on August 29, 1996. The case file indicates that in reaching a disqualification determination, the Retailer Operations Division considered information obtained during a December 1, 2018, store visit conducted by a FNS contractor to observe the nature and scope of the firm’s operation, stock, and facilities. This information was then used to ascertain if there were justifiable explanations for the firm’s irregular SNAP transactions. The store visit report and photographs documented the following store size, description, and characteristics:

- Jiffy Mart is approximately 3,300 square feet with a storage outside of public view.
- There were four shopping baskets but no shopping carts for customer use.
- There was one cash register and one point-of-sale device.
- The checkout space was small and limited.
- There was no fresh unprocessed meat, poultry, or fish
- There were some packages of deli meat, bacon, and hot dogs.
- Fresh produce included some bananas, some bags of potatoes, lemons, and limes.
- Dairy included milk, sour cream, yogurt, cheese, and butter.
- Frozen food included dinners, pizza, juice, potatoes, fish, chicken, and hamburgers.
- Other staple foods available for purchase were cereal, bread, tortillas, eggs, juice, rice, beans, pasta, and a selection of canned goods.
- Much of the remaining stock consisted of accessory foods such as candy, spices, and carbonated and uncarbonated drinks.
- Ineligible items included tobacco, health and beauty products, cleaning products, and paper products.
- There were dusty cans and packages noted indicating low turnover of these items.

The most expensive items noted on the day of the store visit were Enfamil baby formula for \$24.99; Frozen Beef Patties - \$11.99; Foster Farm Chicken - \$9.95; and Digorno Pizza - \$9.99. Given the available inventory as noted above, there is no indication from the store visit report that the store would be likely to have SNAP redemption patterns significantly different from similar-sized competitors.

Charge Letter Attachments

Each attachment furnished with the charge letter represents the questionable and unusual patterns of SNAP transactions indicative of trafficking which were conducted at the Appellant firm during the review period. As there is more than one pattern of irregular transactions, the case of trafficking becomes more convincing.

Charge Letter Attachment 1. Multiple transactions were made from individual benefit accounts in unusually short time frames. This attachment documents 29 sets of transactions conducted by 20 households **5 U.S.C. § 552 (b)(6) & (b)(7)(C)** in SNAP benefits that meet the parameters of this scan. Multiple transactions conducted by the same household account within a short period of time is a method which violating stores use to avoid single high dollar transactions that cannot be supported by a retailer's inventory and structure.

The SNAP transactions noted in the charge letter 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 therefore indicative of trafficking. Although it is not uncommon for customers to have more than one transaction per day, it is not common that such multiple transactions are for large dollar amounts. The photographs from the store visit offer no explanation as to why SNAP customers would routinely shop at Appellant multiple times during a short period or purchase such a large volume of items, there being no great variety of products, price advantage, profusion of large packages, or significant bulk items for sale. Appellant is not set up to provide for all of one's food needs and lacks an abundant depth and breadth of staple foods. The second and third transactions in each set are too large to consist of forgotten items.

Appellant states that the store accepted SNAP benefits as repayments on credit accounts. When a retailer claims it maintains credit accounts to explain irregular SNAP transactions and data patterns, FNS requires a level of detail regarding the legitimacy of the claim. This is because retailers have often made false admissions of credit in an attempt to obtain a lesser penalty after committing more egregious violations such as trafficking. Credit transactions must be accounted for with substantive evidence such as the dates credit was extended, to whom, for what amount, and for what items.

Appellant provided some copies of an alleged credit ledger written on cigarette cartons that contained first names and several amounts. There were no dates provided and the items purchased were not listed. There was no attempt to match up the names to the questionable transactions listed on the Charge Letter Attachment. The Retailer Operations Division determined that there was insufficient evidence to prove that credit account repayments explain

any of the irregular transactions cited in the charge letter. When a credit repayment is made it will generally be for a large dollar amount and any second or subsequent legitimate SNAP purchase will be for a much smaller amount typical of the average SNAP transaction for a small grocery store. However, all of the transactions cited in Charge Letter Attachment 2 were greater than the average SNAP transaction at a California small grocery store during the review period.

Appellant has not offered any evidence to show that the transactions listed in Charge Letter Attachment #1 were purchases of eligible food.

Charge Letter Attachment 2: Excessively large purchase transactions were made from recipient accounts. This attachment lists 77 transactions 5 U.S.C. § 552 (b)(6) & (b)(7)(C). Appellant's total SNAP redemptions for the review period were more 5 U.S.C. § 552 (b)(7)(E) greater than the average for small groceries in Sacramento County, California during the review period. Appellant also conducted more 5 U.S.C. § 552 (b)(7)(E) SNAP transactions than the average for small groceries in the county during the review period. These large transaction amounts are questionable because they are not consistent with the store's inventory with no fresh meat and limited fresh produce. The frequency of high-dollar purchases in a six-month period calls into question the legitimacy of these transactions.

With its reply to the charge letter, Appellant submitted invoices to the Retailer Operations Division to support its eligible food stock. The Retailer Operations Division analyzed the receipts/invoices and determined that Appellant is able to justify its SNAP redemptions. However, the Retailer Operations Division determined that sufficient inventory alone does not explain the suspicious patterns of SNAP transactions such as multiple transactions made from individual benefit accounts in unusually short time frames. The large dollar transactions remain questionable when there is no evidence that the firm would be likely to have SNAP redemption patterns that differ significantly from nearby, similar-sized competitors.

Given that Appellant does stock an adequate inventory of staple food items, it would make sense that there would be some occasional purchases 5 U.S.C. § 552 (b)(6) & (b)(7)(C). As such, there may be some legitimate SNAP transactions scattered 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.

Both the store owner and counsel have mentioned in their statements that Appellant offers fresh produce and is a full service grocer. The evidence from the store visit shows that Appellant sold bananas, and a few bags of potatoes as well as some lemons and limes that we on the counter and like for the purpose of the being sold with the alcoholic beverages behind the counter. The evidence does not support that Appellant's had superior produce. The Retailer Operations Division determined that within a one-mile-radius of Appellant there are 15 other authorized stores including three medium groceries and one large grocery.

Counsel explained in its reply to the charges that the SNAP participants who purchase from Appellant largely lack the luxury of owning a personal vehicle and they must shop at establishments within a short walking distance. The evidence shows that the majority of these households do have access to transportation. The Retailer Operations Division determined that

23 of the 38 households that conducted transactions on this attachment conducted a transaction at a large grocery, supermarket, 5 U.S.C. § 552 (b)(7)(E) of its flagged transactions at Appellant. Twenty-seven of these 38 households conducted a transactions at one of these other store types 5 U.S.C. § 552 (b)(6) & (b)(7)(C) of its flagged transaction at Appellant. This does not support the statement from counsel that Appellant is an essential resource to SNAP participants in the immediate resource.

The Retailer Operations Division reviewed three households identified in the charge letter to analyze their shopping patterns at Jiffy Mart compared to their shopping patterns at other SNAP authorized stores. All of these three household shopped at larger authorized stores during the review period. However, despite this access to better stocked stores, each of the other households conducted excessively large transactions at Appellant within a short time of shopping at a supermarket or super store. It is questionable as to why households would conduct large transactions at Appellant, when these households had just visited or planned to visit larger stores with a better selection of fresh meat and produce and likely better prices.

Appellant contends that most of the large transactions are the result of the firm allowing a few of its SNAP customers to shop on credit and then pay the store back when the household's benefit allotment is replenished. As indicated previously, credit transactions must be accounted for with substantive evidence such as to the dates credit was extended, to whom, for what amount, and for what items. The evidence provided by the retailer did not identify the dates that credit was extended or the full name of the customer. The cigarette carton notations did not contain information such as the date the items were purchased and what was purchased. Nor was there any attempt to match the cigarette carton logs to the transactions. As a result, there is insufficient evidence to prove that credit account repayments explain any of the irregular transactions cited in the charge letter. Thus, the Retailer Operations Division properly determined that the evidence submitted by the Appellant was insufficient to justify the irregular transactions cited in Charge Letter Attachment 2.

Cash Register Receipts

Appellant submitted four receipts for the transactions listed on the attachments. The receipts do not list what items were purchased and it is not sufficient evidence that only eligible food items were purchased. In addition, one of the receipts 5 U.S.C. § 552 (b)(6) & (b)(7)(C) contains two items that were taxed and clearly not eligible food items. Yet, the entire transaction amount was charged to SNAP, a clear violation of the regulations. Some of the receipts submitted appear to have other transaction information indicating it is from a receipt roll. It is hard to believe that the transactions for those days were found but none of the receipts for Charge Letter Attachment 2 were located. However, it is likely that there are no receipts because the transaction amounts were contrived and are not documented.

Household Statements for Credit

Appellant submitted statement from ten customers stating that they purchased eligible food products on credit. One of the households did not include its EBT card information. Six of the households did not appear to conduct any of the transactions listed on the charge letter. The

transactions history for the other three households were reviewed and analyzed. Household 5 U.S.C. § 552 (b)(6) & (b)(7)(C). conducted five of the flagged transactions included the following three transactions listed on Attachment 2: 5 U.S.C. § 552 (b)(6) & (b)(7)(C). These amounts are curious that they end in all even same cents even dollar transactions amounts and appear contrived. It is unlikely that random and multiple credit transaction would total to such even amounts. Another customer 5 U.S.C. § 552 (b)(6) & (b)(7)(C). conducted 14 flagged transactions at Appellant including some similar even doll transaction amounts. 5 U.S.C. § 552 (b)(6) & (b)(7)(C). If this was a credit repayment why was is the balance not payed off during the household's first visit to Appellant. The third customer also conducted seven flagged transactions at Appellant during the review period. 5 U.S.C. § 552 (b)(6) & (b)(7)(C).

In summary, there was no evidence to support that these three customers purchased eligible food items only and made repayment with SNAP benefits. Some of these transactions may have been credit repayment. However, there is insufficient evidence to support that each of the questionable transactions were for eligible food items only. The documentation provided by Appellant is not enough to conclude that the firm was, more likely than not, committing credit account violations rather than trafficking.

Household Hardship

With its reply to the charges, Appellant submitted 24 customer statements to the Retailer Operations Division. In addition to stating that it was not allowed to purchase non-food items with SNAP benefits, it states that it would be a hardship to travel further of Appellant was permanently disqualified. Appellant submitted 19 pages of signatures indicated that it would be a hardship for customers if Appellant was disqualified from SNAP. Counsel that Appellant's stock of eligible food items are superior to surrounding retailers. Where there is a hardship to SNAP households, FNS may impose a hardship CMP on a firm in lieu of a disqualification where there is a lack of authorized stores in the area. However, the regulations at 7 CFR § 278.6(f)(1) clearly state that "a civil money penalty for hardship to [SNAP] households may not be imposed in lieu of a permanent disqualification." Because the Retailer Operations Division has taken action to permanently disqualify Appellant's firm, a hardship CMP in lieu of disqualification cannot be granted.

Lack of Prior Violations

Appellant indicates it has operated the store for 20 years without any issues. A record of participation in the SNAP with no previously documented instance of violations does not constitute valid grounds for dismissal of the current charges of violations or for mitigating the impact of the violations upon which they are based. There is no provision in the Act or regulations that reverses or reduces a sanction based upon a lack of prior violations by a firm and its owners, managers, and/or employees. Trafficking in SNAP benefits is an extremely serious violation and both 7 U.S.C. § 2021(b)(3)(B) and 7 CFR § 278.6(e)(1)(i) state that a first time violation warrants a permanent disqualification.

Evidence

Counsel contends that there is no evidence to support Appellant's trafficking allegations and the charging letter is based on transaction reports only. The transactions reports are derived from the ALERT system, a computerized fraud detection tool to identify SNAP 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 conduct an extensive analysis of the transaction data and patterns, often with other factors such as, in this case, observations from store visits, an analysis of customer shopping behavior and a comparison of stores in the area, and render a determination whether the questionable transactions were, more likely than not, the result of trafficking.

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

The documentation and evidence provided by the Retailer Operations Division was thoroughly examined. From all indications, the Retailer Operations Division obtained the EBT data (provided by ALERT), found it to be suspicious in comparison to other area stores of similar size, and then undertook a thorough investigation before concluding that trafficking was likely occurring.

Appellant bears the burden of demonstrating by a preponderance of the evidence that the administrative actions should be reversed and that the transactions detailed in the charge letter were more likely than not due to the legitimate sale of eligible food in exchange for SNAP benefits. Appellant offered no relevant evidence to prove that the transactions listed in the charge letter were legitimate purchases of eligible food. In the absence of compelling information or documentation weighed in comparison to the evidence provided by the Retailer Operations Division, the evidence weighs in favor of the Retailer Operations Division's determination that SNAP-benefit trafficking substantially produced the transaction activity at issue in the present case.

Summary

In summary, Appellant's layout, business structure, and food inventory do not support a high percentage of transactions markedly exceeding the average SNAP transaction amount of similar type stores. Government analyses of stores caught in trafficking violations during on-site investigations have found that transactions involving trafficking consistently display particular characteristics or patterns. These patterns include, in part, those cited in the letter of charges. Therefore, based on this empirical data, and in the absence of evidence to legitimize such transaction patterns, a conclusion can be drawn, through a preponderance of evidence that the "unusual, irregular, and inexplicable" transactions and patterns cited in the letter of charges evidence trafficking as the most likely explanation.

CIVIL MONEY PENALTY

In the charge letter, Retailer Operations informed Appellant of its right to request a trafficking CMP under 7 CFR §278.6(i). Appellant was informed that it would need to provide both the request and supporting evidence within 10 calendar days of receiving the charge letter and that no extension of time could be granted for making the request or for providing the required evidence. The criteria for a trafficking civil money penalty in lieu of disqualification is defined under 7 CFR §278.6(i) which reads, *inter alia*:

In determining the minimum standards of eligibility of a firm for a civil money penalty in lieu of a permanent disqualification for trafficking, the firm shall, at a minimum, establish by **substantial evidence** [emphasis added] its fulfillment of each of the following criteria:

Criterion 1. The firm shall have developed an effective compliance policy as specified in §278.6(i)(1); and

Criterion 2. The firm shall establish that both its compliance policy and program were in operation at the location where the violation(s) occurred prior to the occurrence of violations cited in the charge letter sent to the firm; and

Criterion 3. The firm had developed and instituted an effective personnel training program as specified in §278.6(i)(2); and

Criterion 4. Firm ownership was not aware of, did not approve, did not benefit from, or was not in any way involved in the conduct or approval of trafficking violations; or it is only the first occasion in which a member of firm management was aware of, approved, benefited from, or was involved in the conduct of any trafficking violations by the firm

....

With its reply to the charges, Appellant submitted a statement stating that the owner provided training to its employees as well as statement from employees indicated that they have been trained. However, Appellant did not submit any evidence to support these statements and to establish that Appellant had an effective compliance program and policy in effect prior to the violations. Therefore, the Retailer Operations Division's decision not to impose a trafficking CMP in lieu of disqualification is sustained as appropriate pursuant to 7 CFR § 278.6(i).

CONCLUSION

The Retailer Operations Division's analysis of Appellant's EBT transaction record was the primary basis for its determination to permanently disqualify Appellant. This data provided substantial evidence that the questionable transactions during the review period had characteristics that are consistent with trafficking violations in SNAP benefits. 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 occur as charged by the Retailer Operations Division. The determination to impose a permanent disqualification against Appellant is sustained. The Retailer Operations Division also 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. Under review, the denial of a trafficking CMP was deemed correct and proper.

RIGHTS AND REMEDIES

Applicable rights to a judicial review of this decision are set forth in 7 USC § 2023 and 7 CFR § 279.7. 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, 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.

MARY KATE KARAGIORGOS
Administrative Review Officer

August 22, 2019