

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

**Liquor Beer & Tobacco Outlet,**

**Appellant,**

**v.**

**Retailer Operations Division,**

**Respondent.**

**Case Number: C0197734**

**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 Liquor Beer & Tobacco Outlet (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 Liquor Beer & Tobacco Outlet.

**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 October 2016 through January 2017. This involved the following transaction patterns which are common trafficking indicators:

- There were an unusual number of transactions ending in a same cents value.
- There were multiple transactions made from individual household benefit accounts within unusually short timeframes.
- Excessively large purchase transactions were made from recipient accounts.

## CASE CHRONOLOGY

The agency's record shows that FNS initially authorized Liquor Beer & Tobacco Outlet for SNAP participation as a convenience store on May 11, 2015. In a letter dated April 3, 2017, 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 October 2016 and January 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 a letter dated April 14, 2017, the Appellant, through counsel, responded to the charge letter. It stated that it does not admit to any violations, but believes that it would qualify for a civil money penalty in lieu of disqualification. In the letter, the Appellant outlined the reasons why it believed it was eligible for a CMP, specifically pointing to the four eligibility criteria listed in 7 CFR § 278.6(i). The Appellant also provided a copy of the firm's compliance policy, a copy of USDA's *SNAP Training Guide for Retailers*, and eleven undated photographs depicting the store's interior and exterior and an aerial view of the surrounding neighborhood.

Finally, the Appellant's response letter outlined a number of remedial actions that the owner would take to ensure future compliance with SNAP regulations. The Appellant insisted that these new measures would take effect immediately.

After reviewing the Appellant's response and documentation 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 June 1, 2017. This determination 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 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 June 12, 2017, 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, *inter alia*:

*... 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, *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, [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, *inter alia*:

*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, *inter alia*:

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

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

*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, *inter alia*:

*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, *inter alia*:

*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, *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... 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 requests review of the determination that the firm was not eligible for a civil monetary penalty under 278.6(i) of the SNAP regulations. Appellant also requests review of the disqualification action.
- Appellant references previous correspondence between the firm and the Retailer Operations Division.
- Disqualifying the Appellant from SNAP was erroneous because the firm did not traffic under the definition set forth in 7 CFR § 271.2. Any noncompliance with regulations was unintentional and the firm has instituted protocols to ensure noncompliance will not recur. Appellant's previous correspondence with the Retail Operations Division outlines these remedial actions.
- The remedial actions taken by the firm would qualify it for a civil money penalty.

The Appellant did not submit any new evidence or documentation in support of its contentions.

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 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 two store visits which were 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 reports and photographs documented the following store size, description, and characteristics:

- Liquor Beer & Tobacco Outlet is a small convenience store, approximately 1,100 square feet in size, operating in a suburban residential area of Charles City, Iowa.
- At the time of the contractor's visit, the firm had no shopping carts or shopping baskets for customer use.
- The store visit photographs show one cash register and one EBT point-of-sale device.
- The store appears to use optical scanners to process transactions.
- The store's staple food stock is moderate in each of the four staple food categories. The store also sells SNAP-eligible, non-staple accessory food items, such as carbonated and uncarbonated drinks, snacks, candy, and condiments. Additionally, the store sells ineligible nonfood items, such as alcoholic beverages, tobacco products, lottery tickets, and other miscellaneous household merchandise.
- The checkout area consists of a small countertop (roughly 24 inches by 24 inches) where items can be placed to be rung up. The checkout area is not suitable for conducting large or rapid transactions as there is no conveyor belt to expedite the purchase and not enough space to place more than a few small items at one time.
- There is no indication from the store visit reports that the firm has a special pricing structure, although judging by the contractor's photographs, most items appear to end in 9, such \$1.69, \$2.49, \$3.39, etc.

The available inventory of SNAP-eligible food items at the time of the store visits showed stock that would be typical of a small convenience store. There was no indication that SNAP households would be inclined to regularly visit the store to purchase large quantities of grocery items, especially considering the constricted checkout area and the absence of shopping carts and baskets. The available food was primarily of a low-dollar value and there was no hint that the firm sold any high-priced meat or seafood bundles or other bulk or specialty items.

Given the available inventory, there was very little sign that the firm would be likely to have SNAP redemption patterns that differed significantly from those of similar-sized competitors.

## SNAP Transaction Analysis

**Charge Letter Attachment 1:** There were an unusual number of transactions ending in a same cents value. This attachment lists 28 transactions – 5 U.S.C. § 552 (b)(6) & (b)(7)(C). When such repetitive patterns are not supported by any kind of special pricing structure at the store, they are a strong indicator of trafficking in SNAP benefits.

Considering that the vast majority of the firm's prices appear to end in 9 and considering that SNAP transactions do not include sales tax, this review finds the large number of even-dollar transactions in a four-month period to be very unusual and indicative that trafficking may be occurring. Unfortunately, the Appellant has not offered any evidence or contentions to address these same-cents transactions. Accordingly, this review has little option but to conclude that the transactions listed in Attachment 1 are likely the result of trafficking.

**Charge Letter Attachment 2:** Multiple transactions were made from individual benefit accounts in unusually short time frames. This attachment lists six sets of transactions (15 transactions in all) 5 U.S.C. § 552 (b)(6) & (b)(7)(C). 5 U.S.C. § 552 (b)(6) & (b)(7)(C).

5 U.S.C. § 552 (b)(6) & (b)(7)(C)

Unfortunately, the Appellant has offered no evidence whatsoever to prove that the transactions listed in Attachment 2 were legitimate purchases of eligible food. Such evidence could have included itemized cash register receipts or other documentation to show that trafficking was not occurring.

Given the common practice of violating retailers breaking up large, suspicious transactions into multiple, somewhat smaller transactions to avoid detection, and considering the Appellant's lack of explanation and evidence regarding the questionable transactions, this review is left with little option but to conclude that the transactions listed in this attachment were more likely than not the result of trafficking.

**Charge Letter Attachment 3:** Excessively large purchase transactions were made from recipient accounts. This attachment lists 65 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 Iowa. The Retailer Operations Division has determined that during the review period, the average SNAP transaction amount for a convenience store in Iowa was \$7.21. 5 U.S.C. § 552 (b)(6) & (b)(7)(C).

Given that the Appellant firm does have a small inventory of staple foods as well as some eligible accessory foods, such as soft drinks and snacks, 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). However, as noted earlier, there is no evidence that the firm would be likely to have SNAP redemption patterns that differ considerably from similar-sized competitors, especially considering the absence of shopping carts and shopping baskets and the fact that there are other shopping options in the area. According to agency records there are two superstores located less

than a mile from Liquor Beer & Tobacco Outlet. Such stores offer a much larger variety of inventory as well as shopping carts and shopping baskets to help facilitate the purchase of large amounts of food.

5 U.S.C. § 552 (b)(6) & (b)(7)(C). Considering the fact that the store sells primarily low-priced merchandise, and considering how many items it would take to add up to 5 U.S.C. § 552 (b)(6) & (b)(7)(C) or more, it seems very unlikely that these were legitimate purchases of eligible food. It is not plausible that the firm's customers would carry large amounts of merchandise around the store without the benefit of shopping carts or baskets or that customers would routinely do the bulk of their grocery purchases at a moderately-stocked convenience store rather than at a nearby superstore or supermarket with significantly more inventory and likely lower prices.

Unfortunately, the Appellant has not offered a single piece of evidence to justify the transactions listed in Attachment 3. The only argument offered by the Appellant to counter the allegation of trafficking is a claim that any noncompliance with SNAP regulations was unintentional.

Stores caught in trafficking violations, both during onsite investigations and in EBT analysis cases, consistently display particular characteristics or patterns. These patterns often include frequent, large transactions that cannot be supported by the retailer's inventory, store type, and structure. It is the conclusion of this review that Liquor Beer & Tobacco Outlet, with its limited and primarily low-dollar inventory, lack of shopping carts and baskets, and its constricted checkout area cannot support the large numbers of high-dollar transactions identified in Attachment 3. Therefore, the most logical explanation for such repetitive transactions is trafficking.

Based on the above analysis, it is the determination of this review that Liquor Beer & Tobacco Outlet likely trafficked in SNAP benefits during the review period. The attachments furnished with the charge letter adequately identify the irregular patterns of SNAP transactions which indicate that trafficking was likely taking place. Conversely, the Appellant has failed to provide a rational explanation as to why such patterns might exist. As there are multiple unexplained patterns of irregular transactions, the case of trafficking is convincing.

### **Sale of Store / Remedial Actions**

In a letter to the administrative review officer dated July 15, 2017, the Appellant, through counsel, stated that the firm has instituted protocols to ensure that any noncompliance with SNAP regulations does not happen again. The Appellant then pointed to its original April 14, 2017 response to the charge letter in which it outlined a series of remedial actions that the firm would take to ensure compliance with program rules. For example, the Appellant owner stated that he would be increasing his supervision of the store and was committed to reviewing the store's receipts in more detail. He also stated that he intends to continue his investigation of the trafficking allegations and will discipline or discharge any employee found to have engaged in misbehavior. The owner also stated that he is updating his employee manual and intends to implement more immersive training on SNAP protocols. He also claims to have ordered a fraud



prevention poster from FNS. The Appellant insisted that these measures would start immediately. The Appellant contends that the remedial actions taken by the firm would qualify it for a civil money penalty in lieu of permanent disqualification.

It is important to state here that this review is limited to the circumstances that existed at the time that the violations took place. It is not the authority of this review to consider any subsequent remedial actions that may have been taken or will take place so that a store may enhance or begin to comply with program requirements. In addition, there are no provisions in the SNAP regulations for a waiver or reduction of an administrative penalty on the basis of alleged or planned corrective actions implemented subsequent to findings of program violations or subsequent to the violations themselves.

It is especially peculiar that the Appellant is making arguments regarding remedial actions that will take place when the owner is no longer the owner of the store. According to agency records, a new SNAP application was submitted to FNS for a store at the same location as Liquor Beer & Tobacco Outlet. This application was submitted online on January 26, 2017. According to this new application, the store changed ownership effective February 1, 2017. A subsequent store visit by an FNS contractor confirmed that Mohammad Arshad was no longer the store owner. This new store was authorized for SNAP participation on April 26, 2017. Both the Appellant's initial response to the charge letter as well as its request for administrative review took place many weeks *after* the change of ownership supposedly occurred.

This review cannot comprehend the Appellant's claims that it will be taking remedial actions to ensure future SNAP compliance when the evidence strongly suggests that the firm's owner is no longer the owner of record for Liquor Beer & Tobacco Outlet. Such claims appear to be entirely fabricated for purposes of avoiding a disqualification and call into question the veracity of any arguments and documentation presented by the Appellant in its request for administrative review.

### **Civil Money Penalty**

As noted earlier, the Appellant, through counsel, has claimed that it meets the criteria for a trafficking civil money penalty as outlined in 7 CFR § 278.6(i). In demonstrating that it has met these criteria, the Appellant submitted to the Retailer Operations Division, copies of the following documents:

- Undated photographs of the store's interior, as well as a street view and an aerial view from Google.
- A copy of the *SNAP Training Guide for Retailers* (31 pages in total).
- Copies of the firm's SNAP compliance policy, most of which points back to the *Training Guide* for details. The company's policies also include "FDA compliance" (regarding tobacco sales) and "Minors and Alcoholic Beverages." Both appear to be printouts from the Iowa Alcoholic Beverages Division website.
- Signatures from four apparent employees stating that they have "received a copy of 5 U.S.C. § 552 (b)(6) & (b)(7)(C) policies on the following topics." Each employee also

claims to have “read the documents and [understood] the statements and rules outlined in the policies.”

- The store’s policies apparently include the following sections:
  - Sexual Harassment
  - Alcohol and Tobacco
  - SNAP Benefits
- Each statement is signed and dated August 30, 2016.

It is noted that the Appellant’s request for a civil money penalty as well its submission of documentation in support of its request was made within appropriate timeframes in accordance with 7 CFR § 278.6(b)(2).

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 criteria for this alternative penalty (see pages 4-5 of this document for a listing of the four criteria). These criteria must be met in order for a firm to sufficiently 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.” Standards of evidence in this regard are found in 7 CFR § 278.6(i)(1) and (2). These regulations state that FNS shall consider written and dated statements of firm policy which reflect a commitment to ensure that the firm is operated in a matter consistent with SNAP regulations and agency policy on the proper acceptance and handling of SNAP benefits.

It is the determination of this review that the Appellant fulfills Criteria 2 and 4, but does not meet Criteria 1 and 3. In order to be eligible for a CMP, all four criteria must be met.

#### *Criterion 1*

With regard to Criterion 1, there is very little evidence as to what the firm’s compliance policy actually is. Instead, the firm’s policy only points to the *SNAP Training Guide for Retailers*, which is given to every SNAP-authorized store in the country. There is no indication how the information contained in the *Training Guide* correlates directly to Liquor Beer & Tobacco Outlet. Simply pointing to the *Training Guide* or to FNS’s website where training materials are found is insufficient to be considered an effective compliance policy. Therefore, the Appellant does not meet the eligibility requirements under Criterion 1.

#### *Criterion 2*

In accordance with 7 CFR § 278.6(i), in order for a firm to meet Criterion 2, it must establish that both its compliance policy and program were in operation prior to the occurrence of the violations cited in the charge letter. The regulation further states that such 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 the violation.”

According to the evidence provided by the Appellant, the employee statements acknowledging receipt of the firm’s policies were signed on August 30, 2016, which is before the review period

in question. It is the determination of this review that the Appellant's compliance policy and program were conceivably in operation prior to the occurrence of the violations. Therefore, the Appellant has satisfied Criterion 2.

### *Criterion 3*

In order to meet Criterion 3, a firm must demonstrate that it had developed and instituted an effective personnel training program. Regulation at 7 CFR 278.6(i)(2) indicates that evidence of an effective program will include 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 one month of employment) and follow-up trainings held prior to the current violations.

In this case, the Appellant did not submit any training documentation for its employees, either initial training or follow-up training. There is no evidence to indicate when the firm's employees were hired and no record of the dates on which policy trainings occurred, including who conducted the training, and what topics were discussed. Additionally, there is no documentation that includes the signatures of the owners or trainers attesting to the successful completion of the employees' training.

Based on this evidence, it is the determination of this review that the Appellant has not satisfied Criterion 3.

### *Criterion 4*

Regarding Criterion 4, the Appellant, through counsel, has claimed that the owner did not directly or indirectly benefit from the alleged trafficking violations. The owner contends that he had no knowledge of the transactions until receiving the charge letter.

This review concedes that the Appellant owner likely did not benefit from the alleged violations and acknowledges that this is the firm's first violation. This review can find no reason to dispute the Appellant's claim that it was not aware of the violations or involved with them in any respect. Therefore, this review finds that the Appellant likely meets Criterion 4.

This review acknowledges that the standard of evidence needed in order to be found eligible for a civil money penalty in lieu of permanent disqualification for trafficking is difficult to meet. Nevertheless, it is the standard required by the regulations and the standard to which the Appellant must be held. While significant effort may be required to develop and maintain a compliance policy and training program, if a firm fails to meet the minimum requirements, this review has no alternative but to conclude that the firm is ineligible for a CMP. Lastly, it should be noted that the CMP criteria as stated in 7 CFR § 278.6(i) are clearly *minimum* standards, below which eligibility is precluded. Accordingly, it is the determination of this review that the Retailer Operations Division correctly determined that Appellant does not meet the qualifications for a civil money penalty in lieu of permanent disqualification.

## **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 Liquor Beer & Tobacco Outlet 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.

Based on a review of all available information in this case, it is the determination of this review that the Appellant has not proven, by a preponderance of the evidence, that the administrative action should be reversed. As such, the decision to impose a permanent disqualification against the Appellant, Liquor Beer & Tobacco Outlet, under the ownership of Mohammad Arshad, 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

December 11, 2017