

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

M&M Market,

Appellant,

v.

Case Number: C0203050

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 there is sufficient evidence to support a finding that the permanent disqualification of M&M Market (M&M Market 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.

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 November 16, 2017, 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 March 2017 through August 2017. 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 dated November 20, 2017. Appellant denied trafficking and explained that the transactions were normal based on the unique circumstances of the store.

After considering the evidence and the retailer's reply, the Retailer Operations Division issued a determination letter dated January 16, 2018. 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.

In a letter dated January 26, 2018, Appellant, through counsel, appealed the Retailer Operations Division's determination and requested an administrative review. The appeal was granted.

STANDARD OF REVIEW

In appeals of adverse actions, the Appellant bears the burden of proving by a clear 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.

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 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 as: "(1) 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, inter alia, that "FNS may disqualify any authorized retail food store . . . if the firm fails to comply with the Food and Nutrition Act of 2008, as amended, or this part. Such disqualification shall result from a finding of a violation on the basis of evidence that may include facts established through on-site investigations, inconsistent redemption data, evidence

obtained through a transaction report under an **electronic benefit transfer system, . . .**”
(emphasis added)

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(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.”

SUMMARY OF THE CHARGES

Appellant was charged and determined to be trafficking based on an analysis of EBT transaction data from March 2017 through August 2017. This involved the following SNAP transaction patterns which are indicative of trafficking:

- There were an unusual number of transactions ending in a same cents value.
- There were multiple transactions made from individual benefit accounts in unusually short time frames.
- The majority or all of individual recipient benefits were exhausted in unusually short periods of time.
- There were excessively large purchase transactions made from recipient accounts.

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 January 26, 2018, administrative review request, Appellant, through counsel, provided the following summarized contentions, in relevant part:

- It is clear that ownership operates the establishment in compliance with SNAP regulations.
- They have attended training programs conducted by FNS and are committed to ensuring that their market operates in a manner consistent with SNAP regulations and policies

regarding proper acceptance and handling of coupons.

- Appellant's training program includes senior management's one-on-one training with all new hires.
- This training includes identification of all store merchandise that is eligible for purchase with SNAP benefits, and proper treatment of customers paying with SNAP.
- Employees are given a 35 page training guide which is also reviewed page by page during the one-on-one training sessions.
- The training guides are downloaded and printed directly from the FNS website.
- New hires are also required to watch the SNAP 17 minute training video.
- Training includes policies regarding trafficking and Appellant's zero tolerance for such.
- All employees are continually tested on their knowledge.
- There are only three people allowed to operate the register, including the two owners and a trusted employee.
- Customers routinely ask for cash but owners deny providing cash because they have too much to lose.
- Attachment #1
 - Many items are priced at an even dollar amount.
 - Appellant rounds down in favor to its customers.
 - There was a special in April resulting in the 0.01 prices.
- Attachment #2
 - Participants are allowing a third party to use their card.
 - It is commonplace for recipients to sell their SNAP benefits on the street for cash or drugs.
 - It could also involve friends or family members shopping together who use the same card.
 - The area where Appellant is located is on the front lines of the opioid crisis.
 - There is no way to monitor multiple transactions because there is no id requirement.
- Attachment #3
 - There is no regulation for Appellant to monitor SNAP recipients' SNAP balance.
 - It is not the duty of Appellant for teach their customers how to budget and when to spend their SNAP benefits.
 - A SNAP recipient dissipating their account in a short period of time is indicative of a spendthrift, instant gratification - behavior that is a telltale sign of an addict.
- Attachment #4
 - Appellant is a volume seller of baby formula which retails for \$21.26.
 - Appellant routinely sells cases of Red Bull for \$48.00 as well as Monster Energy Drinks for \$31.08 per pack.
 - Only 72 of the transactions 5 U.S.C. § 552 (b)(6) & (b)(7)(C).
 - Appellant is a market that sells over two thousand different items, many of which are grocery items and food staples.
 - Many customers do their shopping for the entire week.

- Appellant supplies beef and chicken to its regular providers through preorder.
- To get to the nearest supermarket, one must drive or take public transportation.
- The agency's classification of a 5 U.S.C. § 552 (b)(6) & (b)(7)(C) grocery transaction as an excessively large purchase is antiquated and misplaced in today's economy.
- The large transactions involve multiple cases of formula and four cases of energy drinks.
- The charges are unfounded and pure conjecture.

In supports of its contentions, Appellant provided a cd containing 27 photos and invoices for each month of the review period.

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 M&M Market as a convenience store on May 17, 2016. The case file indicates that in reaching a disqualification determination, the Retailer Operations Division considered information obtained during a September 26, 2017, 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:

- M&M Market is approximately 1,200 square feet, with additional food storage outside of public view.
- There were six shopping basket but no shopping carts for customer use.
- There was one cash register and one point-of-sale device.
- There was no scanner for the quick processing of transactions.
- The check-out counter space was small.
- There were no meat/seafood specials or bundles that might sell for high prices.
- There was no fresh meat, poultry, or fish.
- There was canned meat, canned fish, beef jerky and three units of hot dogs in the ice freezer.
- There was limited fresh produce including one bag of onions and four oranges.
- Dairy included milk, ice cream, cheese, butter, and infant formula.
- Other staple foods available for purchase were eggs, juice, cereal, rice, flour, and limited canned goods.
- There was a deli case that contained milk and iced tea.

- Much of the remaining stock consisted of accessory foods such as candy, spices, and carbonated and uncarbonated drinks.
- The non-food items included tobacco products, health and beauty products, paper goods, housewares, and cleaning products.

The highest priced items were different types of infant formula prices at \$17.39, \$17.79, \$17.89, and \$18.19. 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. There were an unusual number of transactions ending in a same cents value. During the review period, there were 67 transactions **5 U.S.C. § 552 (b)(6) & (b)(7)(C)**. When such patterns are unsupported by special pricing structures, they are a strong indicator of trafficking in SNAP benefits.

Counsel explains that many items are priced at an even dollar amount. However, the photographs from the store visit shows that the majority of items ending in a 9 cent value. The store's inventory contains almost exclusively inexpensive food items and accessory foods with the exception of infant formula. It is possible that some of the smaller transactions are the result of purchasing one same cent item and this could explain some of the lower dollar same cent transactions. However, the larger transactions cited in the charge letter would most likely consist of the purchase of several relatively inexpensive items and it is unlikely that these purchases would routinely total to an amount ending in same cents. SNAP transactions consisting of multiple products are more likely to result in a random statistical spread of ending cent ranges from 00 to 99 cents. Consequently, when many transactions end in a same cents amount, it appears that these transaction amounts are contrived and in the absence of compelling evidence to the contrary, are suggestive of trafficking.

5 U.S.C. § 552 (b)(6) & (b)(7)(C).

Counsel explains that Appellant has a practice of rounding down transactions in favor to its customers. Approximately 90 percent of the firm's transactions that met the parameters of this scan were not rounded. In addition, one of the owners confirmed during the store visit that it does not round totals.

Appellant failed to provide a credible explanation for the same cent transactions listed on Charge Letter Attachment #1. Considering that the vast majority of the firm's prices appear to end in 9 and the fact that almost ten percent of transactions were same cent transactions is very unusual and indicative that trafficking may be occurring.

Charge Letter Attachment 2. Multiple transactions were made from individual benefit accounts in unusually short time frames. This attachment documents 51 sets of transactions 5 U.S.C. § 552 (b)(6) & (b)(7)(C). 5 U.S.C. § 552 (b)(6) & (b)(7)(C).

Appellant, through counsel, contends that there are no regulations preventing such shopping patterns or an id requirement. This is true. However, 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 legitimate 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. The second and third transactions in each set are too large to consist of a forgotten item or two.

Appellant explains that these transactions may be due to participants who are allowing a third party to use their card. Counsel states that it is commonplace for recipients to sell their SNAP benefits on the street for cash or drugs. Although such activities do occur, they usually do not occur in only one store in an area. If any significant number of large dollar transactions is occurring as a result of such customer activity, one would expect that such customers would be doing the same thing at other stores at which they also shop. However, the other stores in the area do not have SNAP transactions that display patterns indicative of trafficking as Appellant.

5 U.S.C. § 552 (b)(6) & (b)(7)(C). These large transactions would most likely consist of the purchase of several relatively inexpensive items and it is unlikely that these purchases would routinely total to an amount ending in same cents. Without a reasonable explanation for these repeated amounts, they appear to be contrived.

A review of client shopping data for the review period shows that clients shopping at M&M Market are also shopping at other area groceries, as well as supermarkets and super stores that offer the customers a much larger quantity and variety of eligible food items. Based on these shopping patterns, transportation to other stores is not an issue for these EBT customers. Yet, these customers continue to shop and spend high dollar amounts in short time frames at Appellant, often on the same day, of their purchases at better-stocked stores.

In the absence of any other reasonable explanation, the irregular transaction patterns are more likely than not to be a result of trafficking in SNAP benefits.

Charge Letter Attachment 3. The majority or all of individual recipient benefits were exhausted in unusually short periods of time. The charge letter attachment lists 25 transaction sets conducted by 20 households 5 U.S.C. § 552 (b)(6) & (b)(7)(C). SNAP recipients do not normally exhaust their benefits in such a short period of time.

Counsel contends that a SNAP recipient dissipating their account in a short period of time is indicative of a spendthrift, instant gratification-behavior that is a telltale sign of an addict. This

may be true but it is not explain why this pattern is not seen at the similar nearby stores. It is not credible that households are exhausting their benefits at Appellant by purchasing all of their groceries, a store with no fresh meat and limited fresh produce.

A government report on SNAP shopping patterns¹ indicates that on average SNAP households have less than one-quarter of their benefits left by the middle of the month. On the day the issuance was distributed, the average household redeemed more than a fifth of its benefit. By the first week, the average household had redeemed over half of its benefit, and by the second week, over three-quarters of it. Households redeemed about an additional 10 percent of benefits by the end of the third week (exhausting 90 percent of benefits) and ultimately redeemed 97 percent of their monthly benefits by the end of the day before receiving their next issuance. Therefore, transactions in which SNAP benefits are exhausted in one or a few transactions during a short period of time are suggestive of trafficking.

Appellant did not present any valid explanations or documentation that legitimizes these transactions.

Charge Letter Attachment 4: Excessively large purchase transactions were made from recipient accounts. This attachment lists 338 transactions, 5 U.S.C. § 552 (b)(6) & (b)(7)(C). 5 U.S.C. § 552 (b)(6) & (b)(7)(C). These large transaction amounts are not consistent with the store's inventory with no fresh meat and limited fresh produce. Therefore, the substantial number of high dollar purchases calls into question the legitimacy of these transactions.

There were several unexplainable repeating transactions amounts, as seen on the table herein. As mentioned previously, the larger transactions cited in the charge letter would most likely consist of the purchase of several relatively inexpensive items and it is unlikely that these purchases would routinely total to an amount ending in same cents. Without a reasonable explanation for these repeated amounts, they appear to be contrived.

5 U.S.C. § 552 (b)(7)(E)

Counsel states that Appellant routinely sells cases of Red Bull for \$48.00 as well as Monster Energy Drinks for \$31.08 per pack. However, on the day of the store visit these large items were not available for purchase. In addition, one of the store owners also confirmed that the highest priced items sold were different types of infant formula prices at \$17.39, \$17.79, \$17.89, and \$18.19. Appellant submitted photographs of the store's stock. The photos are very similar to the photographs in the case record. There were photographs of cases of Red Bull and Monster drinks but they were located in the stock room and they were clearly being used for stock given that there were partial cases.

Counsel reported that Appellant is a volume seller of baby formula which retails for \$21.26. The evidence, including the store visit photographs and the submitted invoices, supports that

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

Appellant sold infant formula. However, it would be unusual for a SNAP household to purchase infant formula with SNAP benefits, as households who participate in SNAP would also be eligible to participate in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). WIC has a more lenient income threshold for participation, and a higher participation rate of eligible participants, than SNAP. Thus, although the store sells infant formula, it is not credible that the sale of these items would adequately explain the store's excessively large transactions.

Counsel also reports that many customers do their shopping for the entire week and Appellant supplies beef and chicken to its regular providers through preorder. The only fresh produce was onions and a few oranges. There was no fresh meat, poultry, or fish on the day of the store visit. There is no evidence that Appellant sold a significant volume of beef and chicken. There were a couple of invoices that listed some meats but there was not sufficient in quantity to explain these transactions. In addition, the store owner did not indicate that it took orders from customers on the day of the store visit.

The Retailer Operations Division compared Appellant to six nearby convenience stores. **5 U.S.C. § 552 (b)(6) & (b)(7)(C)**. Considering Appellant's eligible food stock, infrastructure, and proximity to larger, better stocked stores this is highly unlikely and likely indicative of trafficking.

Counsel contends that to get to the nearest supermarket, one must drive or take public transportation. It is true that sometimes a firm may have higher than average SNAP transactions amounts due to the lack of access to other SNAP authorized stores. However, the Retailer Operations Division determined that there are 34 authorized firms located within a two-mile radius of Appellant, including three small groceries, one supermarket, and one super store. The Retailer Operations Division determined that 104 of the listed households conducted a transaction at a super store, supermarket or large grocery store within two days of their suspicious transaction at Appellant. Thus households who shop at Appellant have access to and do shop at large grocery stores, supermarkets and super stores, among all other types of authorized stores.

Lastly, the Retailer Operations Division analyzed the shopping patterns of three households that conducted transactions listed on the charger letter attachments. All of these households had access to, and shopped at supermarkets and super stores. However, despite this access to better stocked stores, all of the sampled households conducted excessively large transactions at M&M Market **5 U.S.C. § 552 (b)(6) & (b)(7)(C)** of shopping at a supermarket or super store. It is not plausible that the firm's customers would regularly purchase large amounts of merchandise at Appellant when larger, better stocked stores are readily available and in the vicinity of the Appellant firm.

Counsel explains that transactions amounts **5 U.S.C. § 552 (b)(6) & (b)(7)(C)** cannot be considered large. The SNAP transactions noted in this Attachment are not presumed to be trafficking because they exceed a set dollar amount; they are questionable because they are inconsistent for this type of store and the store's stock. Households in this Attachment are regularly shopping at much larger stores and conducting transactions of large dollar amounts, yet

are conducting comparable or higher dollar value transactions at Appellant's smaller and minimally stocked business. Since Appellant's business carries no fresh or frozen unprocessed meat or seafood, minimal fresh produce, and minimal staple food stock, these patterns are deemed to be suspicious.

While some households may have conducted legitimate transactions at Appellant, insufficient evidence was presented to support this argument. 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.

Invoice Analysis

Appellant submitted invoices of food purchased during the review period. Although the receipts and invoices show that the store purchased sufficient food inventory to account for the firm's SNAP redemption volume, sufficient inventory alone does not explain the suspicious patterns of SNAP transactions, such as rapid and consecutive transactions by individual during the same store visit or in a single day. The large dollar transactions remain questionable even when there is sufficient food inventory to support such transactions when consideration is made of there being only a limited variety of stock in the store, no fresh meat and limited fresh produce, and a greater variety of foods at lower prices at other stores, including supermarkets at which many customers also shop. Even with sufficient food stock at Appellant to mathematically support high dollar transactions, there does not appear to be anything that would reasonably attract SNAP households to shop there, a convenience store, and spend substantial amounts of their SNAP benefits.

There were two receipts submitted that were paid for with SNAP benefits, which raises some questions. There were also two different EBT cards used for these transactions. In addition, some of the items purchased appear to be for home use, because the items were not visible for sale at any of the store visits, but were included in favor to the retailer.

Evidence

Counsel contends that the charges are unfounded and pure conjecture. The charge letter attachments are derived from transaction reports under the electronic benefit transfer system. Specifically, FNS uses 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.]

Appellant must provide a preponderance of evidence 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. 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.

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. Appellant did not timely request a CMP or submit any documentation to show that it met the criteria.

With its administrative review request, Appellant requests a CMP in the event that trafficking is affirmed. Counsel described Appellant’s training program. It is important to clarify for the record that the purpose of this review is to either validate or to invalidate the earlier determination of Retailer Operations. This review is limited to what circumstances existed at the time that was the basis of the Retailer Operations’ action. The regulations do not provide the agency discretion to extend the time within which documentation and evidence in support of a civil money penalty may be submitted.

Even if a timely request had been submitted, Appellant would likely not have been eligible for a trafficking CMP in lieu of disqualification because the description of its training program submitted by Appellant is not substantial evidence that Appellant met all four criteria required by 7 CFR § 278.6(i). For example, the firm did not provided any of the required documentation such as its training curricula and records of dates training sessions were conducted.

Thus, the determination by the Retailer Operations Division that Appellant did not meet the standards for a trafficking CMP under 7 CFR §278.6(i) is sustained.

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 is also sustained.

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

May 23, 2018