

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

**R K Snack Shop,**

**Appellant,**

**v.**

**Retailer Operations Division,**

**Respondent.**

**Case Number: C0209371**

**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 R K Snack Shop (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 R K Snack Shop.

**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 September 2017 through February 2018. This involved the following transaction patterns which are common trafficking indicators:

- There were multiple transactions made from the accounts of individual SNAP households within a set time period.
- Excessively large purchase transactions were made from recipient accounts.

## CASE CHRONOLOGY

The agency's record shows that FNS initially authorized R K Snack Shop for SNAP participation as a convenience store on April 1, 2014. In a letter dated July 11, 2018, the Retailer Operations Division charged the Appellant with trafficking, as defined in Section 271.2 of the SNAP regulations, based on a series of irregular SNAP transaction patterns that occurred between the months of September 2017 and February 2018. The letter noted that the penalty for trafficking is permanent disqualification as provided by 7 CFR § 278.6(e)(1). The letter also stated that the Appellant could request a civil money penalty (CMP) in lieu of permanent disqualification for trafficking, but noted that such a request must be made within 10 days of receipt of the charge letter under the conditions specified in 7 CFR § 278.6(i).

In correspondence between July 25 and October 3, 2018, the Appellant, through counsel, responded to the charge letter, denying any involvement in trafficking or any other illegal activity. To support this claim, the Appellant provided approximately 60 pages of inventory invoices to show that the firm has sufficient stock to account for the transactions listed in the charge letter. The Appellant additionally provided 44 color photographs, primarily depicting the firm's inventory.

The Appellant further argued that the firm sells large packages of frozen chicken, cheese sticks, jalapeno poppers, etc. for prices that are consistent with the charges to the SNAP recipients. The Appellant noted that pricing sheets for such items are located on the inside walls of the store. The Appellant stated, "As a result of the firm's purchasing power of product in bulk or cases, the firm is able to offer the EBT customer variety, and therefore, the customer is able to get 'more bang for their benefits' by buying in bulk."

Additionally, the Appellant argued that the firm's employees have been trained in the rules and regulations of SNAP and are aware that the firm does not allow trafficking or the sale of ineligible items. The Appellant acknowledged that there are not any written records of this training.

As for multiple transactions from the same household within a set time period, the Appellant argued that there is a propensity of certain customers to purchase large items in bulk and that in some isolated instances, a customer may make a repeat purchase later on. The Appellant argued that such transactions do not merit a finding of trafficking, and contended that it is not the retailer's right to ask a customer why it shops in this manner. As for "excessively large" purchases, the Appellant contended that customers sometimes shop in bulk, and the inventory invoices explain such transactions.

Finally, the Appellant contended that the firm is an integral and necessary part of the community and a disqualification would cause hardship to SNAP households. The Appellant requested that

if FNS concluded that violations had occurred that the agency would impose a hardship civil money penalty in lieu of disqualification pursuant to SNAP regulations at 7 CFR § 278.1(f)(1).

After analyzing the Appellant's response to the charges 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 November 2, 2018. This letter informed the Appellant that it would be permanently disqualified from SNAP upon receipt of the letter in accordance with 7 CFR § 278.6(c) and § 278.6(e)(1). The letter also stated that the Retailer Operations Division considered the Appellant's eligibility for a trafficking CMP according to the terms of Section 278.6(i) of the regulations, but determined that a CMP was not appropriate in this case because the Appellant failed to submit sufficient evidence to demonstrate that the firm had established and implemented an effective compliance policy and program to prevent SNAP violations.

In a letter postmarked November 15, 2018, the Appellant, through counsel, appealed the Retailer Operations Division's determination by requesting an administrative review. The request was granted.

### **STANDARD OF REVIEW**

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

### **CONTROLLING LAW AND REGULATIONS**

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

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

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

7 CFR § 278.6(a) states, in part:

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

investigations, inconsistent redemption data, [or] evidence obtained through a transaction report under an electronic benefit transfer system....

7 CFR § 278.6(e)(1)(i) states:

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

7 CFR § 271.2 states, in part:

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

7 CFR § 271.2 states, in part:

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

7 CFR § 278.6(b)(1) states, in part:

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

7 CFR § 278.6(c) states, in part:

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

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

Firms that request consideration of a civil money penalty in lieu of a permanent disqualification for trafficking shall have the opportunity to submit to FNS information and evidence... that establishes the firm's eligibility for a civil money penalty in lieu of a permanent disqualification

in accordance with the criteria included in § 278.6(i). This information and evidence shall be submitted within 10 days, as specified in § 278.6(b)(1).

7 CFR § 278.6(b)(2)(iii) states:

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

7 CFR § 278.6(i) states, in part:

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

### **APPELLANT'S CONTENTIONS**

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

- Appellant disputes the findings within the determination letter that the firm was guilty of trafficking. Additionally, the Appellant believes that the Retailer Operations Division neglected to respond to or address the Appellant's claim of "hardship," which was presented in its initial response to the charge letter.
- To support its claim of hardship, the Appellant provides the following additional information:
  - R K Snack Shop is convenient and accessible for its customers. The other retail stores which are claimed to be "in the area" are not easily accessible to the Appellant's clientele.
  - FNS has not defined what "the area" entails, and as such, could be from 100 feet to several miles. The Appellant contends that the store's location is convenient and necessary for the walking public.
  - The Appellant firm has a large variety of food items which have been adopted by the new SNAP program, and is a prime location for EBT recipients in the area.
- Therefore, the Appellant requests that the administrative review officer investigate the facts and find that "the area" is such that there would be a hardship on the recipients of SNAP benefits who frequent the store, and that the finding in the determination letter is erroneous, and therefore the firm is eligible for a CMP under the claim of hardship.

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

## 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 during a May 12, 2018, store visit which was conducted by an FNS contractor to observe the nature and scope of the firm's operation, stock, and facilities. This store visit information was used to ascertain if there were justifiable explanations for the firm's irregular SNAP transaction patterns. The store visit report and photographs documented the following store size, description, and characteristics:

- R K Snack Shop is a convenience store, approximately 3,000 square feet in size, operating in the city of Albion, Calhoun County, Michigan.
- At the time of the contractor's visit, the firm did not have any shopping carts or handheld shopping basket for customer use, which is not unusual for stores of this size. Customers shopping in such stores typically purchase only as much food as they can carry in their arms.
- The store visit photographs show three cash registers for food purchases and agency records reflect the use of one EBT point-of-sale device.
- It appears that the firm uses optical scanners to process transactions.
- The checkout area consists of a standard countertop where items can be placed for purchase. The constricted checkout area is not suitable for conducting large or rapid transactions as there is little space on the counter to place more than a few items at a time and little room for customers to maneuver with large amounts of groceries.
- On the day of the store visit, the firm's staple food inventory was not sufficient for program eligibility, as there was only milk and butter in the dairy food category. Had the firm not been subject to disqualification for program violations, its authorization may have been withdrawn for failure to maintain an appropriate variety of staple foods required for ongoing SNAP participation. It is noted that the firm's overall breadth of staple food inventory is typical of convenience stores where the primary emphasis is on snack foods, alcohol, and tobacco.
- SNAP-eligible, non-staple accessory food items available at the store include carbonated and uncarbonated drinks, snacks, candy, and condiments. The store also sells ineligible, nonfood items, including alcoholic beverages, tobacco products, lottery tickets, cleaning supplies, personal care items, and other miscellaneous household merchandise.

- The store also has a kitchen area, where hot foods are prepared and made available for immediate consumption. The posted menu includes the following prices:
  - 5-piece chicken wings for \$3.00
  - 4-piece chicken tenders for \$3.00
  - 5-piece mozzarella sticks for \$3.00
  - 5-piece jalapeno poppers for \$3.00
  - One order of French fries for \$3.00
  - One order of potato wedges for \$3.00
  - One bag of chicken wings for \$33.00
  - One bag of chicken tenders for \$22.00
  - One bag of mozzarella sticks for \$15.00
  - One bag of French fries for \$10.00

It should be noted that hot food is not eligible for purchase with SNAP benefits.

- There is no evidence that the store sells meat or cheese by the pound and no evidence that the firm sells items such as meat bundles or fruit and vegetable boxes.
- There is no indication from the store visit report that the firm has a special pricing structure. Most prices end in 9, such as \$0.99, \$1.29, \$3.89, etc.
- According to the contractor's report, the most expensive SNAP-eligible food item not mentioned in the menu above is a 72-ounce jar of smoked Polish sausage for \$24.99. The store also sells a small case (four 8.4-ounce cans) of Red Bull energy drink for \$6.99 and an 11.3-ounce can of coffee, also for \$6.99.

The available inventory of SNAP-eligible food at the time of the store visit showed stock that would be typical of a convenience store, where households normally purchase a limited number of items to complement their overall dietary needs. There was no indication that SNAP households would be inclined to regularly visit R K Snack Shop to purchase large quantities of groceries, especially considering the overall limited staple food inventory, the absence of shopping carts and baskets, and the availability of larger SNAP-authorized stores nearby, including a superstore less than a mile away. Given the available inventory and the store's characteristics, this review could find no reason why the Appellant firm's SNAP redemption patterns differed so significantly from those of nearby, similar-sized competitors.

### SNAP Transaction Analysis

**Charge Letter Attachment 1: Multiple transactions were made from the accounts of individual SNAP households within a set time period.** This attachment lists seven sets of transactions (18 transactions in all) 5 U.S.C. § 552 (b)(6) & (b)(7)(C). Violating stores often conduct multiple transactions from the same household account in short periods of time to avoid the detection of single high-dollar transactions that cannot be supported by the retailer's inventory, store type and structure.

For example, on October 20 and 21, 2017, one household conducted three transactions at the Appellant store. The three transactions totaled 5 U.S.C. § 552 (b)(6) & (b)(7)(C), an extraordinary amount for a convenience store like R K Snack Shop. On November 1, 2017, another household spent 5 U.S.C. § 552 (b)(6) & (b)(7)(C) in two transactions

5 U.S.C. § 552 (b)(6) & (b)(7)(C). Such patterns and transaction totals at a standard convenience store are highly irregular and are often an indication of trafficking. As such, these transactions warrant further explanation.

In its response to the charge letter, the Appellant argued that some customers purchase items in bulk quantities and that in some isolated instances, a customer may make a repeat purchase later on. The Appellant argued that such transactions do not merit a finding of trafficking, and contended that it is not the retailer's right to ask a customer why it shops in this manner.

With regard to these contentions, it is noted that SNAP regulations do not provide limitations on the number of transactions that can be made by SNAP households or how large the individual transactions can be. However, the transactions noted in Attachment 1 are questionable not because they exceed any limits for use, but rather because they display patterns of use that are inconsistent with the store's documented physical characteristics and in comparison with similar stores in the area. It should be further noted that the transactions identified in the charge letter are not marginally abnormal, but decidedly so. This review does not contend that the EBT transactions detailed in the charge letter are overtly suspicious when they occur on an occasional or intermittent basis. But when such transactions form repetitive and questionable patterns on a consistent basis over a substantial period of time, such activity is considered highly irregular, and a firm's intent to comply with program regulations is called into question.

It must be noted that the Appellant has not offered any evidence to show that the specific transactions in question were legitimate purchases of eligible food. Such evidence could have included itemized cash register receipts to show exactly what was purchased during each transaction. While the Appellant did submit some inventory invoices, including invoices showing the purchase of chicken tenders, chicken wings, French fries, cheese sticks, etc., there is no evidence to show how much of such inventory was heated up and sold hot rather than being sold frozen or raw.

Because the Appellant's evidence offers little insight into the specific transactions in question, and because the transactions themselves are highly unusual, it is reasonable for this review to conclude that trafficking was a likely cause of the transaction patterns listed in this attachment.

**Charge Letter Attachment 2: Excessively large purchase transactions were made from recipient accounts.** This attachment lists 209 SNAP transactions

5 U.S.C. § 552 (b)(6) & (b)(7)(C). These large transactions are not consistent with other convenience stores in the state of Michigan. The Retailer Operations Division has determined that during the review period, the average SNAP transaction amount for a convenience store in Michigan was \$6.17. In Calhoun County, the average was even lower at just \$6.00 per transaction, but the average transaction in Attachment 2 is almost six times larger than the average purchase amount for this store type.

Given that the Appellant firm has a small inventory of staple foods and other SNAP-eligible items, such as snacks and drinks, it is probable that there would be an occasional purchase where the transaction amount is high, 5 U.S.C. § 552 (b)(6) & (b)(7)(C). As such, there may well be some legitimate SNAP transactions sprinkled among the transactions listed in Attachment 2.



However, as noted earlier, there is no evidence that the firm would be likely to have SNAP redemption patterns that differ significantly from nearby, similar-sized competitors, especially considering the absence of shopping carts and baskets to help transport large quantities of food, the constricted checkout area, and the availability of larger stores in the area. The substantial number of high-dollar transactions in a six-month period calls into question the legitimacy of these transactions.

5 U.S.C. § 552 (b)(6) & (b)(7)(C). Considering how many low-priced food items it would typically take to add up 5 U.S.C. § 552 (b)(6) & (b)(7)(C), and considering the store's characteristics, this review finds it unlikely that SNAP households would legitimately choose to spend large portions of their benefit allotments at a store such as R K Snack Shop.

5 U.S.C. § 552 (b)(6) & (b)(7)(C). That a number of randomly-selected items primarily ending with a cents-value of 9 would so frequently end in these transaction totals is highly irregular. The repetitiveness of such transaction amounts gives a distinct impression of a cashier attempting to avoid suspicious-looking even-dollar amounts by entering transactions as .99. This is a common tactic of firms that are committing trafficking violations.

In its response to the charge letter, the Appellant provided several inventory receipts dated between December 1, 2017, and February 16, 2018, showing the purchase of 21 jars "Mexican Brand Red Hots" sausages and four jars of Polish sausages, retailing for \$29.99 each. Along with these invoices, the Appellant stated the following: "These are large jars, which the consumers buy for \$29.99. They cannot be sold separately, and are sold in jar quantities only."

Based on this evidence, it is possible that some of the \$29.99 transactions listed in Attachment 2 were for the purchase of one jar of Mexican Brand Red Hots or a jar of Polish sausages. However, such singular purchases – a SNAP customer visiting the store solely to purchase one large jar of sausages – is highly unusual. It is also not true that the firm does not sell these food items separately. The contractor's store visit report included several photographs, one of which very clearly shows both Mexican Brand Red Hots and Polish sausages in large jars at the checkout counter. Each jar was roughly half-full, making it quite apparent that some customers were purchasing the sausages individually. Had the Appellant provided itemized cash register receipts or other evidence showing what was specifically purchased during each transaction, its arguments would have carried more weight. Without such evidence, the Appellant's claims seem dubious.

In its response to the charge letter, the Appellant also provided a number of photographs. Three of the photographs show computer-printed posters or flyers listing specialty items for sale, such as cheese sticks for \$15.99/bag; jalapeno poppers for \$19.99/bag; French fries and wedges for \$13.99/bag; chicken wings for \$39.99/bag; and chicken strips for \$29.99/bag. These signs appear to be posted in various parts of the store and appear to be an attempt by the Appellant to explain some of the repetitive transactions listed in Attachment 2.

However, after comparing the contractor's photographs with the Appellant's photos, it is very likely that the Appellant hung the posters after receiving the trafficking charge letter in an effort to match store prices with the transactions listed in the charge letter. The posters were not visible

in any of the contractor's photos, including some of the exact locations where the Appellant's posters now hung. Further, the pricing, such as \$39.99 for a bag of chicken wings, contradicts the menu that was posted in the store at the time of the contractor's visit. At that time, a bag of chicken wings sold for \$33.00. It is notable that there were only five transactions **5 U.S.C. § 552 (b)(6) & (b)(7)(C)** during the six-month review period. These five transactions could very well be customers making a purchase for a bag of chicken wings.

Finally, as noted earlier, while the Appellant did provide some inventory invoices showing the purchase of items such as chicken wings, cheese sticks, jalapeno poppers, etc., there is no evidence to demonstrate how much of that inventory was heated up and sold hot (i.e. not eligible for purchase with SNAP benefits) rather than being sold frozen or raw.

It is the finding of this review that the attachments furnished with the charge letter adequately identify the irregular patterns of SNAP transactions which indicate that trafficking was likely taking place. The transactions listed in the charge letter are highly unusual and substantially different from comparable stores in the area. Based on these and other factors, such as the store's physical characteristics and inventory, the case of trafficking is convincing.

In an appeal of adverse action, the onus is on the Appellant to prove, by a preponderance of the evidence, that the administrative action should be reversed. This means submitting sufficient and compelling evidence that would lead a reviewer to conclude that trafficking did not occur. Unfortunately, the Appellant's contentions and evidence do not sufficiently address the specific transactions in question. Therefore, it is the conclusion of this review that the transactions in the charge letter were, more likely than not, the result of trafficking violations.

### **Hardship to SNAP Recipients**

In its request for review, the Appellant, through counsel, cited regulations at 7 CFR § 278.6(f)(1) and argued that the Retailer Operations Division failed to address its claim that the firm is eligible for a hardship civil money penalty in lieu of disqualification. In both its response to the charge letter and its request for administrative review, the Appellant listed several reasons why it believed the firm was eligible for this alternative penalty. The primary reason for this claim is the Appellant's belief that the firm's disqualification would cause hardship to SNAP households because there are no other authorized retail food stores conveniently located in the area selling as large a variety of staple food items at comparable prices.

With regard to this contention, it is recognized that some degree of inconvenience to SNAP households is likely whenever a SNAP-authorized store is disqualified and a household is forced to use its benefits elsewhere. Regulations at 7 CFR § 278.6(f)(1) do allow, in some circumstances, for a civil money penalty to be imposed in lieu of disqualification when there is an absence of other SNAP-authorized retailers in the area. However, it appears that Appellant's counsel failed to read the full paragraph of § 278.6(f)(1). The final sentence reads: "A civil money penalty for hardship to SNAP households may not be imposed in lieu of a permanent disqualification." Accordingly, the Appellant's request for a hardship CMP cannot be granted.

## **Civil Money Penalty**

As noted earlier, the Retailer Operations Division determined that the Appellant firm was not eligible for a civil money penalty in lieu of permanent disqualification for trafficking because it did not submit sufficient evidence to demonstrate that it had established and implemented an effective compliance policy and training program to prevent SNAP violations.

In accordance with regulations at 7 CFR § 278.6(b)(2), in order for a civil money penalty to be considered, a firm must not only notify FNS that it desires the agency to consider a trafficking CMP in lieu of permanent disqualification, but it must also submit appropriate documentation within designated timeframes. The case record shows that the Appellant did not request a trafficking civil money penalty when it replied to the charge letter and there is no evidence that the Appellant submitted any documentation that would indicate that the firm had a compliance policy or training program of any kind. In fact, in its response to the charge letter, the Appellant acknowledged that such documentation does not exist.

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

## **CONCLUSION**

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

Based on a review of all available information and evidence in this case, the decision to impose a permanent disqualification against the Appellant, R K Snack Shop, under the ownership of 5 U.S.C. § 552 (b)(6) & (b)(7)(C), is sustained.

## **RIGHTS AND REMEDIES**

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

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

JON YORGASON  
Administrative Review Officer

June 3, 2019