

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

Shop N Go Foods, Inc,

Appellant,

v.

Case Number: C0227960

Retailer Operations Division,

Respondent.

FINAL AGENCY DECISION

The U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS) finds there is sufficient evidence to support the determination by the Retailer Operations Division to impose a permanent disqualification of Shop N Go Foods, Inc. (“Appellant”) from participating as an authorized retailer in the Supplemental Nutrition Assistance Program (SNAP).

ISSUE

The issue accepted for review is whether the Retailer Operations Division took appropriate action, consistent with Title 7 Code of Federal Regulations (CFR) Part 278, when it imposed a permanent disqualification against Shop N Go Foods, Inc.

AUTHORITY

7 U.S.C. § 2023 and 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

Shop N Go Foods, Inc. was initially authorized to participate in SNAP on June 18, 2012. In a letter dated May 5, 2020, the Retailer Operations Division charged Appellant with trafficking, as defined in Section 271.2 of SNAP regulations, based on a series of irregular SNAP transaction patterns that occurred between the months of October 2019 and March 2020 and information obtained during a visit to the store by an FNS contractor on March 8, 2020. The attachments enclosed with the charge letter specify the questionable and unusual SNAP transactions indicative of trafficking that were conducted at Appellant’s firm during the review period. 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 Appellant may request a civil money penalty (CMP) in

lieu of permanent disqualification for trafficking within 10 days of receipt of the charge letter, under the conditions specified in 7 CFR § 278.6(i).

After an extension of time was granted by the Retailer Operations Division to respond to the trafficking charges, Appellant, through counsel, replied to the trafficking charges in a letter dated June 1, 2020. Appellant explained that irregular transactions were due to being located next to a laundry mat in a strip mall, and that customers would shop multiple times at the store while waiting for laundry. Also, the store is next to an apartment building, and customers would often deplete their SNAP benefits at the store during transactions, with the remaining balance being paid by other tender or merchant forgiveness. Appellant said the store has 1,500 square feet of store space with a significant amount of high-quality meats, vegetables, and seafood and the high percentage of quality goods and international goods account for the price of customer purchases using their SNAP EBT cards. Finally, because the store owner had a long-standing relationship with customers, he would allow customers to purchase items on credit when their SNAP benefits were depleted and allowed them to pay when they again had SNAP benefits to satisfy their outstanding balance. The response stated there was a homeless shelter and several sobriety houses whose resident shopped at the store, and that the store owner would work with these challenged customers to meet their dietary needs.

The Retailer Operations Division replied in a letter dated June 1, 2020, that the acceptance of SNAP benefits as payment for items sold to a household on credit is a violation of 7 CFR § 278.2(f), and that firms that commit such violations are subject to a one-year disqualification from SNAP. The letter requested documentation to support that food items were purchased on credit and stated this documentation must identify specific accounts along with corresponding dates and amounts. In response to the agency's credit account letter, Appellant submitted 33 pages of inventory purchase invoices for foods purchased between October 7, 2019 and January 6, 2020, 5 pages of credit card statements, and 192 photographs of store inventory.

After considering Appellant's reply and further analyzing the evidence in the case, the Retailer Operations Division concluded that trafficking had occurred as charged and issued a determination letter dated July 1, 2020. This letter informed Appellant that the firm 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 Appellant was not eligible for a trafficking CMP in accordance with paragraph § 278.6(i) because Appellant failed to submit sufficient evidence to demonstrate the firm had established and implemented an effective compliance policy and program to prevent SNAP violations.

In a letter postmarked July 10, 2020, 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 an adverse action, the appellant bears the burden of proving, by a preponderance of the evidence, that the administrative action should be reversed. This 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 & 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 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 [SNAP benefits] or trafficking in [SNAP benefits] or authorization cards by a retail food store or wholesale food concern or a finding of the unauthorized redemption, use, transfer, acquisition, alteration, or possession of EBT cards....

7 CFR § 271.2 states, 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....

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 § 278.2(a) states, in part:

[SNAP benefits] may be accepted by an authorized retail food store only from eligible households...only in exchange for eligible food. [SNAP benefits] may not be accepted in exchange for cash...[and] may not be accepted in payment of interest on loans or for any other nonfood use.

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....** Disqualification shall be for a period of 6 months to 5 years for the

firm's first sanction; for [a] period of 12 months to 10 years for a firm's second sanction; and **disqualification shall be permanent for a disqualification based on paragraph (e)(1) of this section.** [Emphasis added.]

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(e)(1)(i) states, 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, 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.

SUMMARY OF CHARGES

Shop N Go Foods, Inc. was charged with trafficking and subsequently permanently disqualified from participating in SNAP based on an analysis of FNS records, which included observed store characteristics, recorded food stock, and store pricing gathered during a store visit, as well as Electronic Benefit Transfer (EBT) transaction data for October 2019 through March 2020. Government analyses has found that transactions involving trafficking consistently display particular characteristics or patterns. In this case, the attachments enclosed with the charge letter reflected the following transaction patterns, which commonly indicate trafficking:

- **Charge Letter Attachment 1:** Multiple transactions were made from the accounts of individual SNAP households within a set time period.
- **Charge Letter Attachment 2:** The bulk of SNAP households' remaining benefits were depleted within short timeframes.

- **Charge Letter Attachment 3:** The store conducted EBT transactions that were large based on observed store characteristics and recorded food stock.

APPELLANT'S CONTENTIONS

Appellant, through counsel, made the following summarized contentions as part of its request for administrative review, and in supplemental correspondence dated August 5, 2020, in relevant part:

- Appellant is prepared to implement guidelines and procedures to insure the firm could continue to participate in SNAP, strictly adhering to all requirements.
- Appellant has downloaded the 20-page guide, produced by the USDA, in both English and Spanish for his employees to read and employees would be required to read and sign a document verifying they would adhere to the rules in the guide.
- Employees will be required to watch Video #4 – Information for Cashiers.
- Appellant seeks a reversal of the decision to allow participation in SNAP.
- Contentions presented are in supplement to information previously provided.

In support of these contentions, Appellant submitted a hyperlink to Video #4 – Information for Cashiers.

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

ANALYSIS AND FINDINGS

This review examines the relevant information regarding the trafficking determination. Once a trafficking determination is made based upon EBT data and information obtained during a store visit, Appellant bears the burden of providing relevant evidence to support a conclusion, considering the record as a whole that it did not engage in trafficking. If Appellant fails to show this, the case will be sustained. Without supporting evidence and rationale, assertions that the firm has not violated program rules do not constitute valid grounds for overturning the determination.

Store Visit Report

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 a store visit conducted by an FNS contractor on March 8, 2020, 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:

- The firm is a small grocery store, approximately 1,500 square feet in size, with a storage area around 375 square feet in size. This storage area contained primarily non-foods and non-staple foods. Store personnel confirmed that no food was stored offsite.
- At the time of the store visit, the firm had shopping baskets, but no shopping carts for customers to use.
- The store visit report shows one cash register and one EBT point-of-sale device.
- The firm uses an optical scanner to process transactions.
- The store's staple food stock meets SNAP program eligibility requirements; the food selection is typical of a small grocery store. The store does not sell bulk items such as bundles of meat or seafood or large boxes of fruit and vegetables. The store has minimal inventories of frozen meat and fish, but no fresh meat or fish. Inventory includes some products that cater to the Latino community.
- 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 tobacco products, mobile phones/phone cards, automobile products, health and beauty aids, paper goods, cleaning products, housewares, gift items, party goods, souvenirs, and has ATM or money transfer services.
- The store has a kitchen or food preparation area and the store sells prepared or made-to-order sandwiches.
- There is no indication from the store visit report that the firm has a special pricing structure, except that most prices appear to end in 9, such as \$0.99, \$1.99, etc.
- Store personnel confirmed that the store does not round prices up or down at checkout.
- The store does not take telephone or online orders, nor does it offer delivery.
- The most expensive food items for sale at the store include a 5-pound bag of chicken wings for \$16.99; a 3-pound bag of fish filet for \$17.99; a 5-pound bag of chicken breast for \$16.99, and a 12.4-ounce can of Similac baby formula for \$19.99.

The available inventory of SNAP-eligible food at the time of the store visit showed stock that would be typical of a small grocery store, where households normally purchase a limited number of items to complement their overall dietary needs. Given the available inventory and the store's characteristics, this review could find no reason why the Appellant firm's SNAP redemption patterns would differ significantly from those of nearby, similarly-sized stores offering similar food items.

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 23 sets of transactions (57 transactions in all) 5 U.S.C. § 552 (b)(6) & (b)(7)(C) and 5 U.S.C. § 552 (b)(7)(E). Violating stores often conduct multiple transactions from the same household account in short time periods to avoid the detection of single high-dollar transactions that cannot be supported by the retailer's inventory, store type, or structure.

While SNAP regulations do not limit the number of transactions a SNAP household makes, or how large individual transactions can be, the transactions noted in the charge letter are questionable because they display benefit redemption patterns that are inconsistent with the nature and extent of this small grocery store's stock, condition, and facilities. The transactions identified in the charge letter are not marginally abnormal, but decidedly so, given that the extent to which they recur over a six-month review period.

Appellant's response to charge letter said that because of the store location near a laundry mat in a strip mall, patrons visit the store multiple times while waiting for laundry. While Appellant's claim that customers may visit the store frequently over the course of a few hours while doing laundry is reasonable, the majority of these purchases would likely be for small items like drinks and snacks. The transactions listed in Attachment 1 are for significant amounts that do not fit that scenario. 5 U.S.C. § 552 (b)(6) & (b)(7)(C) and 5 U.S.C. § 552 (b)(7)(E). These amounts are too large to account for drink and snack purchases while waiting in a laundromat.

Moreover, households listed in this attachment conducted this strange shopping pattern of making substantial purchases at Appellant multiple times during the review period. 5 U.S.C. § 552 (b)(6) & (b)(7)(C) and 5 U.S.C. § 552 (b)(7)(E). Appellant has provided little explanation and no evidence as to why these transactions may have taken place.

Because Appellant has offered no evidence to prove that the questionable rapid transactions were legitimate purchases of eligible food, but rather relies on an anecdotal explanations without any documentation, this review concludes that trafficking was a likely cause of the transaction patterns listed in Charge Letter Attachment 1.

Charge Letter Attachment 2: The bulk of SNAP households' remaining benefits were depleted within short timeframes. This Attachment lists 16 sets of SNAP transactions 5 U.S.C. § 552 (b)(6) & (b)(7)(C). Appellant claimed, in response to the charge letter, that because the store is next to an apartment building, customers would often deplete their SNAP benefits at the store during transactions, with the remaining balance being paid by other tender or merchant forgiveness.

In 13 of the transactions listed in Attachment 2, 5 U.S.C. § 552 (b)(6) & (b)(7)(C). A government report on SNAP shopping patterns¹ indicates that after the first day of benefit issuance, on average, 80 percent of a household's allotment remains unspent. Even after seven days, 40 percent of benefits still remain unspent. It typically takes 14 days to deplete 80 percent of one's benefits, and 21 days to deplete 90 percent. This report also revealed that households most often redeemed their benefits at supermarkets and supercenters, with only four percent of all households never shopping in a supermarket. Making single or multiple transactions of large dollar amounts, or cumulatively large dollar amounts, and/or depleting substantial amounts of one's benefit allotment in one day, leaving a marginal amount or no benefits for the rest of the month, is inconsistent with typical shopping behavior of SNAP households. Likewise, it is extremely doubtful that a SNAP household making a legitimate purchase would choose to spend

¹ U.S. Department of Agriculture, Food and Nutrition Service, Office of Research and Analysis, *Benefit Redemption Patterns in the Supplemental Nutrition Assistance Program*, by Laura Castner and Juliette Henke. Project officer: Anita Singh, Alexandria, VA: February 2011.

a large portion of its monthly allotment at a small grocery store with likely higher prices and substantially less inventory than what would be found at a supermarket or superstore.

Appellant provided no evidence to explain the transaction irregularities in Attachment 2. Based on the analysis above, and in the absence of evidence to the contrary, the irregular transactions patterns contained in Attachment 2 or more likely than not indicative of trafficking.

Charge Letter Attachment 3: The store conducted EBT transactions that were large based on observed store characteristics and recorded food stock. This Attachment lists 5 U.S.C. § 552 (b)(6) & (b)(7)(C). These large transactions are not consistent with a small grocery store in the state of Maryland. The Retailer Operations Division has determined that during the review period, 5 U.S.C. § 552 (b)(6) & (b)(7)(C) and 5 U.S.C. § 552 (b)(7)(E). Given the Appellant firm has a modest inventory of staple foods as well as other SNAP eligible items, including 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, it is likely that there are some legitimate SNAP transactions listed in Attachment 3. However, as noted earlier, there is little evidence that the firm would be likely to have SNAP redemption patterns that differ significantly from similar-sized competitors 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), and considering that the store has limited high-priced items and no shopping carts help a customer transport large amounts of food, this review finds it unlikely that every large transaction in Attachment 3 was a legitimate purchase of eligible food.

In response to the charge letter, Appellant said the firm had 1,500 square feet of store space with significant amounts of high-quality meats, vegetables, and seafood. Appellant also noted the store sells quality goods and international goods. While it is likely that Shop N Go Foods, Inc. sells eligible food items and conducts SNAP business, the store visit report shows that the store does not carry any items priced higher than \$19.99, which is the price for infant formula. The remaining high-priced products were 3-5 lb. bags of frozen chicken and fish; the store only had six units in stock. There was no additional fresh meat in the store, limited produce, and no bulk specials advertised. Also, while Appellant sells international foods, a large SNAP-authorized grocery store located 5 U.S.C. § 552 (b)(6) & (b)(7)(C). This comparator store has a plentiful selection of canned, boxed, and refrigerated foods in greater quantities than Appellant. It also has a generous fresh produce section, a butcher area, and a large selection of fresh frozen meat. 5 U.S.C. § 552 (b)(6) & (b)(7)(C).

Appellant had submitted 33-pages of purchase invoices and 5-pages of credit card statements to the Retailer Operations Division to demonstrate that it had sufficient inventory to support its SNAP purchases. The credit card statements had no header on any pages and seemed to co-mingle personal purchases with business-related purchases. Further, the credit card statement provided no detailed information regarding the firm's inventory purchases. The purchase invoices demonstrated that for the first three months of the review period, the firm had sufficient inventory to support SNAP food sales. Limited inventory purchase receipts were provided for the final three months of the review period, and so there was a deficit in food purchases. Regardless, the limited evidence of store inventory in this case, without more, cannot validate or invalidate

whether trafficking occurred in this store given the irregularity of the transactions demonstrated in the charge letter attachments.

Again, when unusually large transactions form patterns that are substantially different from comparable stores in the area, compelling evidence from the Appellant is necessary to verify that there is not something more, such as trafficking or other program violations, taking place. Such evidence has not been provided here.

Credit Accounts

Appellant claimed, in response to the charge letter, that the unusual transactions in this case were not due to trafficking, but rather due to the firm engaging in credit accounts. Appellant said that the store owner had long-standing relationships with customers and would allow customers to purchase items on credit when their SNAP benefits were depleted and allowed them to pay when they again had SNAP benefits to satisfy their outstanding balance. Appellant provided no documentation or evidence in support of this claim to the Retailer Operations Division or for this review.

The practice of allowing SNAP households to purchase food items on credit is prohibited by regulation. If a firm is found to have committed credit account violations instead of trafficking, the firm would be subject to a lesser one-year disqualification from SNAP in accordance with regulations at 7 CFR § 278.2(f). When a retailer claims that credit accounts are a reason for the irregular SNAP transactions and data patterns, FNS requires a level of detail regarding the legitimacy of the claim. This is because retailers have often made false admissions of credit accounts to obtain a lesser one-year disqualification penalty instead of permanent disqualification for trafficking. Credit transactions must be accounted for with substantive evidence such as the dates credit was extended, to whom, for what amount, and for what items. Such proof should also correspond with the transactions identified in the charge letter. Unfortunately, the explanation provided by the Appellant, without supporting evidence, falls far short of these expectations and is insufficient for this review to eliminate trafficking as the primary reason for the unusual transaction patterns identified in the charge letter.

Remedial Actions

The Appellant claims to be prepared to implement guidelines and procedures to insure the firm could continue to participate in SNAP by strictly adhering all requirements. Appellant has downloaded the SNAP training guide and will require employees to watch a SNAP training video. Regarding this contention, it must be made clear that this review is limited to the facts that existed at the time the alleged violations were committed. It is not the authority of this review to consider any subsequent remedial actions that may have been taken or that 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 based on alleged or planned corrective actions implemented after the discovery of program violations.

Accordingly, the firm's intended remedial actions do not provide a valid basis for reversing the agency's disqualification determination.

Summary

It is the finding of this review that the attachments furnished with the charge letter adequately identify irregular patterns of SNAP transactions, thereby indicating 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 for trafficking is convincing.

On review, Appellant failed to prove, by a preponderance of the evidence, that the administrative action should be reversed. Appellant has not offered sufficient and compelling evidence that the "unusual, irregular, and inexplicable" transactions and patterns cited in the charge letter were not caused by trafficking. In fact, Appellant offered little reliable evidence to support its contentions regarding specific transactions listed in the charge letter. This is wholly insufficient to warrant reversal of the agency's permanent disqualification determination. In the absence of reasonable evidence from Appellant, it is the conclusion of this review that the transactions listed in the charge letter attachments were, more likely than not, the result of trafficking violations committed by Appellant.

CIVIL MONEY PENALTY

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

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

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

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

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

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

was aware of, approved, benefited from, or was involved in the conduct of any trafficking violations by the firm

The case record shows that the Appellant did not request a civil money penalty when it originally replied to the charge letter, nor was any documentation submitted that would indicate that the firm had a compliance policy or training program of any kind. 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

The Retailer Operations Division's analysis of the EBT transaction record for Shop N Go Foods, Inc. was the primary basis for its determination to permanently disqualify the retailer. This review finds this data provides substantial evidence that the questionable transactions during the review period had characteristics that are consistent with trafficking in SNAP benefits. Store visit photographs and documentation further supported the trafficking determination. Appellant has not proven, by a preponderance of evidence, that the administrative action should be modified or reversed.

Based on a review of all the information available in this case, the determination by the Retailer Operations Division to impose a permanent disqualification against Shop N Go Foods, Inc., 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 determination are set forth in Section 14 of the Food and Nutrition Act of 2008 (7 U.S.C. § 2023) and in SNAP regulations, at 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 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.

MICHELLE WATERS
ADMINISTRATIVE REVIEW OFFICER

September 10, 2020