

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

South Hill Market,

Appellant,

v.

Case Number: C0208484

Retailer Operations Division,

Respondent.

FINAL AGENCY DECISION

It is the decision of the USDA that there is sufficient evidence to support that the Retailer Operations Division properly imposed a permanent disqualification of South Hill Market 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 South Hill Market.

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.”

CASE CHRONOLOGY

In a letter dated May 15, 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 during the months of November 2017 through March 2018. The letter noted that the penalty for trafficking is permanent disqualification as provided by 7 CFR § 278.6(e)(1). The letter stated the Appellant had the right to respond to the charges within 10 days of receipt to provide explanations for the irregular SNAP transaction patterns. The letter also stated that the Appellant could request a trafficking civil money penalty (CMP) in

lieu of a permanent disqualification within 10 days of receipt under the conditions specified in 7 CFR § 278.6(i). The charge letter was delivered to the Appellant by UPS on May 16, 2018. In a letter dated May 25, 2018, the Appellant, through its independent accountant, responded to the charge letter and stated that the store was actually more of a neighborhood market than a convenience store. The letter stated that the store sells expensive Ethiopian flour and organic barley flour which accounts for the large dollar SNAP transactions. The letter included pictures of the store and purchase invoices from the review period. In a telephone conversation on May 30, 2018, the accountant requested a further extension of time to reply to the charge letter. An extension of time to June 18, 2018 was granted; however, the Retailer Operations Division noted that an extension of time to request a trafficking CMP could not be granted. On June 6, 2018, the Retailer Operations Division received another copy of the May 25, 2018 letter along with the same purchase invoices and store pictures previously sent. The Appellant did not request a trafficking CMP in lieu of a permanent disqualification under 7 CFR § 278.6(i).

On August 3, 2018, the Retailer Operations Division contacted the Appellant's accountant to obtain the markup percentage for food sold in the store. The Retailer Operations Division also inquired about the printout from the county tax assessor office that the May 25, 2018 letter mentioned but never provided. The Appellant failed to provide this document even when given a second opportunity. On August 30, 2018, the Retailer Operations Division called the Appellant's accountant one last time to ask a few remaining questions.

Giving full consideration to the Appellant's miscellaneous written and verbal responses from May 25, 2018 through August 30, 2018, the Retailer Operations Division issued a determination letter dated August 31, 2018. The letter informed the Appellant it was permanently disqualified from the SNAP in accordance with 7 CFR § 278.6(c) and 7 CFR § 278.6(e)(1). The determination letter also stated that the Retailer Operations Division considered the Appellant's eligibility for a trafficking CMP according to the terms of 7 CFR § 278.6(i). The Retailer Operations Division determined that the Appellant was not eligible for a trafficking CMP 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 violations of the SNAP.

In a letter postmarked September 11, 2018, the Appellant, through its accountant, requested an administrative review of the Retailer Operation Division's determination. The request for administrative review was granted. On October 24, 2018, the Appellant designated current counsel as its representative for the administrative review.

STANDARD OF REVIEW

In appeals of adverse actions, an appellant bears the burden of proving by a preponderance of the evidence, that the administrative action should be reversed. That means 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 covered in the Food & 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 § 271.2 states that the definition of “coupon” includes:

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

7 CFR § 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 defines trafficking, in part, as:

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

7 CFR § 271.2 defines eligible food, in part, as:

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

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, **evidence** obtained through a transaction report under an electronic benefit transfer system....

[Emphasis added.]

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.

7 CFR § 278.6(b)(2) states, in part:

(ii) Firms that request consideration of a civil money penalty in lieu of a permanent disqualification for trafficking shall have the opportunity to submit to FNS information and evidence as specified in § 278.6(i), that establishes the firm's eligibility for a civil money penalty in lieu of a permanent disqualification in accordance with the criteria included in § 278.6(i). This information and evidence shall be submitted within 10 days, as specified in § 278.6(b)(1).

SUMMARY OF CHARGES

The Appellant was charged and determined to be trafficking based on an analysis of electronic benefit transfer (EBT) transaction data from November 2017 through March 2018. This involved the following transaction patterns which are trafficking indicators:

- **Charge Letter Attachment 1:** Multiple transactions were made from individual benefit accounts in a set time frame. This attachment lists 11 sets of 27 transactions 5 U.S.C. § 552 (b)(6) & (b)(7)(C) in SNAP benefits. 5 U.S.C. § 552 (b)(6) & (b)(7)(C).
- **Charge Letter Attachment 2:** Excessively large purchase transactions were made from recipient accounts. This attachment lists 282 SNAP transactions 5 U.S.C. § 552 (b)(6) & (b)(7)(C). 5 U.S.C. § 552 (b)(6) & (b)(7)(C).

APPELLANT'S CONTENTIONS

The Appellant, through its accountant or through counsel, made the following summarized contentions, in relevant part:

- The store owner denies the charges of alleged “patterns of unusual, irregular, and inexplicable activity” and denies trafficking in SNAP benefits.
- The Retailer Operations Division in its expedient and hasty response, likely failed to consider all the factors argued by the accountant and the reasons why the store did not commit any trafficking.
- The Appellant store is not a typical convenience store. Instead it is more of a neighborhood market; the building is over 20,000 sq. ft. and is located in a low income area of town. That size is very similar to the large chain grocery stores operated by brand names 5 U.S.C. § 552 (b)(6) & (b)(7)(C). A family could easily ring up transactions 5 U.S.C. § 552 (b)(6) & (b)(7)(C) at that size of store.

- South Hill Market carries Ethiopian specialty flour and organic barley flour. It has previously been documented that Washington State has a large Ethiopian and Eritrean community.
- This flour is purchased by the pallet once or twice a month, and ranges from \$26.99 to \$45.00 per bag. Evidence has previously been provided of the purchase receipts of inventory, as well as of customers buying multiple bags at a time. This store is located in a diverse community, and many locals and ethnic restaurants use South Hill Market for their go to location for such purchases.
- South Hill Market's continued authorization to participate in the SNAP is important not only to South Hill Market, but also to the neighboring families who may no longer be able to afford to buy their local and cultural foods through the SNAP.

The preceding may represent only a brief summary of the Appellant's contentions presented in this matter. Please be assured, however, in reaching a decision, full attention was given to all contentions presented, including any not specifically recapitulated or specifically referenced herein.

ANALYSIS AND FINDINGS

Authorization History

FNS authorized South Hill Market for the SNAP on May 19, 2015 as a convenience store. In its original application, the owners estimated its non-food sales (including gasoline, alcohol, tobacco and lottery) and hot food sales at 60 percent of its estimated gross retail sales. The owners projected staple food sales at 20 percent and accessory food sales at 20 percent of gross retail sales.

The owner signed the SNAP application for the store on February 19, 2015 and acknowledged that the owner was aware of the SNAP regulations and understood those regulations. That application included a certification and confirmation that the owner would "accept responsibility on behalf of the firm for violations of the SNAP regulations, including those committed by any of the firm's employees, paid or unpaid, new, full-time or part-time." The violations listed on this certification include accepting SNAP benefits in exchange for cash, otherwise known as trafficking, and other violations such as accepting SNAP benefits as repayment on credit accounts or in exchange for ineligible items.

Store Visit Report

During the review period of November 2017 through March 2018, the Retailer Operations Division classified the store as a convenience store. The case record documents that in reaching a disqualification determination, the Retailer Operations Division considered information obtained during an April 15, 2018 store visit conducted by an FNS contractor to observe the nature and scope of the store's operation, stock and facilities. This information was then used to ascertain if

there were justifiable explanations for the store's irregular SNAP transactions. The store visit report and photographs documented the following store size, description, and characteristics:

- South Hill Market is approximately 5,200 square feet in size and operates out of a strip shopping mall in an urban area. South Hill Market sold gasoline and operated gas pumps outside the store.
- The store had no shopping carts and only five (5) handheld shopping baskets for customer use.
- There were no large bulk foods, expensive international or specialty foods that might sell for a high price. There were no fresh meat/poultry/seafood bundles or large boxes of fresh fruit and vegetables for sale. The store had no signs advertising bulk purchase deals.
- There was a storage area of approximately 200 square feet that was outside of public view, but the storage area appeared to only contain paper goods. Store personnel confirmed that no food was stored offsite.
- The store had two (2) cash registers and two (2) point-of-sale devices for grocery purchases. The store did not have a conveyor belt at the checkout area.
- The checkout area consisted of a long countertop shaped like a backwards "L" with the two (2) registers separated by several display racks with snack foods and non-food items. The very limited space for stacking food at the checkout area made it not conducive to conducting large transactions.

The SNAP eligible staple food stocked by the store consisted mainly of inexpensive canned and packaged goods. There was a very limited selection of fresh fruits and produce. The store also sold a large amount of inexpensive accessory food items such as snack foods, ice cream, candy, potato chips, coffee, tea, carbonated and non-carbonated drinks, condiments, and spices. Store personnel confirmed that the most expensive food items sold by the store was a 30.5 ounce can of coffee at \$13.99; 29 ounces of chicken at \$13.49; a 14 ounce box snack tray at \$9.39; and a 2.85 ounce bag of jerky at \$6.99. Store personnel did not mention Teff flour or any other expensive international food nor did the store pictures show that the store carried any of these items.

The SNAP ineligible items sold by the firm included gasoline, lottery tickets, tobacco, alcohol, hot foods, automotive products, health and beauty aids, paper goods, mobile phone accessories, health and beauty products, paper goods, cleaning products, housewares, gift items, party goods, and souvenirs. Given the available inventory and store layout as noted above, there is no indication from the store visit report that the store would be likely to have SNAP transaction patterns significantly different from similar-sized competitors offering similar food items.

Multiple Transactions by the Same Household within a Set Time Period

SNAP households have no limit on the number of times they may use their SNAP cards or how much eligible food they may purchase. 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 a convenience store's stock and facilities and are thus indicative of trafficking.

The Appellant states that South Hill Market is not a typical gasoline/convenience store and claims to be a market of over 20,000 square feet similar to large chain grocery stores 5 U.S.C. § 552 (b)(6) & (b)(7)(C). A review of the case record does not support this contention. As documented by the initial authorization store visit conducted on May 13, 2015 and the store visit on April 15, 2018, South Hill Market is a typical gas station/convenience store with limited food options such as inexpensive canned and package foods, deli meats and cheeses and accessory foods items. The store has no shopping carts and only five (5) hand held shopping baskets. The majority of the store's gross retail sales likely comes from gasoline, alcohol, tobacco and lottery sales as well as other non-food items.

The Appellant's accountant claimed that the store is over 20,000 square feet and stated she would provide documentation from the county tax assessor, but never did. The Appellant's May 25, 2018 letter stated that the suite with the "LAUNDRY" sign on the building exterior is part of South Hill Market. However, the accountant also noted that the laundromat area is small, and not currently operational. The store visit contractor determined through onsite measurement that the interior store size was approximately 5,200 square feet with a storage area of 200 square feet. In conclusion, a preponderance of the evidence supports that South Hill Market is appropriately classified by the Retailer Operations Division as a convenience store.

Charge Letter Attachment 1 lists 11 sets of 27 transactions 5 U.S.C. § 552 (b)(6) & (b)(7)(C). This average transaction greatly exceeds the average SNAP transaction for a convenience store in Spokane County during the review period 5 U.S.C. § 552 (b)(6) & (b)(7)(C). In fact, this average SNAP transaction is much larger than the average SNAP transaction at a Washington State supermarket or superstore during the review period. It is not credible that a convenience store that mostly sells non-food items such as gasoline, and has only a limited selection of inexpensive staple foods, would have suspicious SNAP transactions much greater than a supermarket and a superstore. It is even less likely that these excessively large transactions would be conducted multiple times by the same household during a set time period. In addition, some of the transactions in these sets were conducted 5 U.S.C. § 552 (b)(6) & (b)(7)(C).

In conclusion, the store visit pictures show that is unlikely that SNAP customers would shop at the store and purchase such a large volume of items multiple times during a short time frame. In addition, the store's small checkout area and limited counter space makes it unsuitable for conducting large transactions. The store also had no shopping carts and a limited amount of shopping baskets for transporting food within the store which would be required for the large dollar transactions. Based on the analysis above, and 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.

Excessively Large Transactions

SNAP households have no limit on the amount of eligible food they may purchase (subject to the remaining balance on the card). However, the SNAP transactions noted in the charge letter are questionable not because they exceed any regulatory limits for use, but rather because they display characteristics of use inconsistent with the nature and extent of a convenience store's stock and facilities and are thus indicative of trafficking.

5 U.S.C. § 552 (b)(6) & (b)(7)(C). This average greatly exceeds the average SNAP transaction for a convenience store in Spokane County during the review period

5 U.S.C. § 552 (b)(6) & (b)(7)(C). This average transaction is also exceeds the average SNAP purchase for a supermarket or superstore in Washington State during the review period. Even the smallest transactions cited in the charge letter had an amount which is four (4) or five (5) times higher than the average SNAP purchase amount for a Spokane County convenience store.

The Appellant attempts to explain these excessively large transactions as due to South Hill Market selling Ethiopian flour and organic barley flour to the local Ethiopian and Eritrean communities. The Appellant states that this flour is purchased by the pallet once or twice a month, and ranges from \$26.99 to \$45.00 per bag. However, the Appellant was only able to provide four (4) invoices showing the purchase of these items on April 3, 2017, November 30, 2017, February 19, 2018 and April 24, 2018. Thus, there were only two (2) invoices within the review period. During the store visit on April 15, 2018, the store visit contractor did not identify any of these items for sale and store personnel did not mention any Ethiopian or international foods when asked to identify the most expensive items sold by the store. Instead, store personnel stated that the most expensive food item sold by the store was a 30.5 ounce can of coffee at \$13.99. The Appellant provided photographs showing store shelves stocked with Teff flour and other Ethiopian and international foods, but these pictures are undated and do not establish that the store carried these items during the review period. Instead it is more likely true that these pictures were taken after the store received the charge letter.

The Appellant states that the store is located in a diverse neighborhood that includes an Ethiopian and Eritrean community and the Retailer Operations Division does not dispute this. The Retailer Operations Division identified three (3) nearby SNAP authorized stores that sell a much greater quantity and variety of Ethiopian and international food than the Appellant store. However, none of these stores exhibited the same irregular transaction patterns as South Hill Market.

Sometimes a store may have higher than normal SNAP transactions due to the lack of access to other SNAP authorized stores in the area. However, the Retailer Operations Division determined that during the review period there were seven (7) SNAP authorized stores located within a one-mile radius of South Hill Market. These included a supermarket located 0.65 miles away. Within a two-mile radius there were four (4) additional supermarkets and two (2) superstores. A government report¹ on SNAP benefit redemption patterns revealed that households most often redeemed their benefits at supermarkets and superstores with only four (4) percent of all households never shopping in a supermarket or superstore. Thus, when a supermarket or

¹ "Benefit Redemption Patterns in the Supplemental Nutrition Assistance Program," report prepared by Mathematica Policy Research for the Food and Nutrition Service, February 2011.

superstore is available, it is highly unlikely that a SNAP recipient would conduct excessively large SNAP transactions at a convenience store with a more limited selection of staple foods.

The case record also documents that the Retailer Operations Division conducted a detailed analysis of five (5) households identified in the charge letter to analyze their shopping patterns at South Hill Market compared to their shopping patterns at other SNAP authorized stores. All of these households had access to, and shopped at supermarkets and/or superstores. However, despite this access to better stocked stores, these sampled households conducted excessively large transactions at South Hill Market often on the same day or within a day or two of shopping at a supermarket or a superstore. It is highly unlikely that a convenience store with limited staple foods would have legitimate SNAP transactions comparable or larger than these SNAP authorized supermarkets and superstores.

In summary, the store's layout, infrastructure, and food inventory do not support a high percentage of transactions markedly exceeding the average SNAP transaction amount of similar type stores. In addition to the statistical irregularity of such high dollar transactions, the limited availability of counter space for checking out and the lack of shopping carts support the Retailer Operations Division determination. Customers purchasing such large quantities of food items would have to hold them in their arms, or enlist the help of others while shopping. Based on a preponderance of the evidence, the irregular transaction patterns cited in Charge Letter Attachment 2 are more likely than not the result of trafficking in SNAP benefits.

Purchase Invoices

The Appellant submitted its food purchase invoices in an attempt to show it had sufficient food inventory to support its SNAP redemptions during the review period. However, some of these invoices were from outside the review period and were therefore excluded from review by the Retailer Operations Divisions. In addition, the February 2018 invoices were not provided by the Appellant except for a single invoice documenting the purchase of Teff flour and green Yirgacheffe coffee. Three other purchase invoices documenting the purchase of Teff flour were provided but only one additional invoice (dated November 30, 2017) was from the review period. In the case record, the Retailer Operations Division noted that the Teff flour invoices were suspicious because they did not include the name of the vendor although they did include the name of the shipper and invoice number. Using the shipper's tracking system and invoice numbers, the Retailer Operations Division was able to determine that two (2) of these orders appeared to be delivered to a company in San Diego and not to the Appellant store.

Nevertheless, a review of the case record documents that the Retailer Operations Division conducted an in-depth analysis of a three-month sample of invoices (November 2017, January 2018 and March 2018). A mark-up of 30 percent was applied to estimate the store's total retail food sales during the review period. Even when including the Teff flour invoice from November 2017, the resulting analysis indicated that the store's SNAP redemptions exceeded its estimated retail food sales 5 U.S.C. § 552 (b)(6) & (b)(7)(C) during these three months alone. Assuming that the store also had credit card and cash sales of food the actual food inventory shortfall would be much greater 5 U.S.C. § 552 (b)(6) & (b)(7)(C).

The Appellant's counsel in its January 18, 2019 letter states that both locals and ethnic restaurants use South Hill Market for their go to location for Ethiopian food purchases. However, any purchases made by these restaurants would not have been made with SNAP benefits. This is a further indication that the store likely did not have sufficient food stock to justify its SNAP redemptions for the sample months reviewed by the Retailer Operations Division.

Hardship to the Business

The Appellant states that the business will likely suffer an adverse economic impact if it is disqualified from the SNAP. With regard to this contention, it is recognized that some degree of economic hardship is a likely consequence whenever a store is disqualified from participation in the SNAP. However, there is no provision in the SNAP regulations for a waiver or reduction of an administrative penalty assessment on the basis of possible economic hardship to either the owner personally or the firm resulting from the imposition of such penalty. To allow stores to be excused from assessed administrative penalties based on a purported economic hardship would render virtually meaningless the enforcement provisions of the Food and Nutrition Act of 2008 and the enforcement efforts of the USDA.

Hardship to SNAP Community

The Appellant claims that a permanent disqualification of South Hill Market would cause a hardship for the local SNAP community that shops at the store. Regarding this contention, there is no provision in SNAP law or regulations that would negate, waive or reduce a permanent disqualification for trafficking due to a purported inconvenience or hardship to SNAP customers.

Where there is a hardship to SNAP households due to a lack of authorized stores in the area, FNS may impose a hardship CMP on a firm in lieu of a **less than permanent** disqualification. However, the regulations at 7 CFR § 278.6(f)(1) clearly state that "a civil money penalty for hardship to SNAP households may not be imposed in lieu of a **permanent** disqualification." [Emphasis added.] Because the Retailer Operations Division has taken action to permanently disqualify the Appellant firm, a hardship CMP in lieu of disqualification cannot be granted.

CIVIL MONEY PENALTY

The Appellant did not timely request consideration for a trafficking CMP in lieu of a permanent disqualification under 7 CFR § 278.6(i) even though it was informed of the right to do so in the charge letter. SNAP regulations at 7 CFR § 278.6(b)(2)(iii) states that "if a firm **fails to request** consideration for a civil money penalty in lieu of a permanent disqualification for trafficking **and submit documentation** and evidence of its eligibility **within the 10 days** specified in § 278.6(b)(1), the firm **shall not be eligible** for such a penalty." [Emphasis added.]

Even if a timely request had been submitted, the Appellant would likely not have been eligible for a trafficking CMP in lieu of disqualification because there is insufficient evidence to demonstrate that the firm had established and implemented an effective SNAP compliance policy and program prior to the violations. Therefore, the Retailer Operations Division's decision not to impose a trafficking CMP in lieu of disqualification is sustained as appropriate pursuant to 7 CFR § 278.6(i).

CONCLUSION

The Retailer Operations Division's analysis of the Appellant's EBT transaction record was the primary basis for its determination to permanently disqualify the retailer. This data provided substantial evidence that the questionable transactions during the review period had characteristics that are consistent with trafficking in SNAP benefits. 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.

In the absence of any reasonable explanations for 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. 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 in fact occur as determined by the Retailer Operations Division. Based on the discussion above, the decision to impose a permanent disqualification against South Hill Market, Appellant, is sustained.

RIGHTS AND REMEDIES

Section 14 of the Food and Nutrition Act of 2008 (7 U.S.C. § 2023) and Title 7, Code of Federal Regulations, Part 279.7 (7 CFR § 279.7) addresses your right to a judicial review of this determination. Please note that 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 you 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, FNS is 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.

RONALD C. GWINN
Administrative Review Officer

January 31, 2019