

**UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE**

OREGON DEPARTMENT OF HUMAN)	
SERVICES,)	
Appellant)	
)	
v.)	Docket No. 20-J-0144
)	
UNITED STATES DEPARTMENT OF)	
AGRICULTURE,)	
FOOD AND NUTRITION SERVICE,)	
Appellee.)	

REC'D USDA/OALJ/OHC
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CONSENT DECISION

Appearances:

Philip J. Peisch, Esq. and Caroline M. Brown, Esq. of Brown & Peisch PLLC, Washington, DC, for the Petitioner, Oregon Department of Human Services

Sarah Merrill, Esq., and Eric Shlifer, Esq., with the Office of the General Counsel, United States Department of Agriculture, Washington, DC, for the Respondent, Food and Nutrition Service

This proceeding was instituted pursuant to Section 16(c)(8)(D)(i) of the Food and Nutrition Act of 2008 (“Act”), 7 U.S.C. § 2025(c)(8)(D)(i), by the Oregon Department of Human Services (“Oregon” or “State”), seeking to eliminate the Supplemental Nutrition Assistance Program (“SNAP”) payment error rate liability amount assessed by the United States Department of Agriculture, Food and Nutrition Service (“FNS”) for Federal fiscal year (FFY) 2019. The Act provides a two-year liability system for excessive payment error rates. Under this system, a liability amount is established for a State agency when, for the second or subsequent consecutive Federal fiscal year, FNS determines that there is a 95 percent statistical probability that a State's payment error rate exceeds 105 percent of the national performance measure for payment error rates. Food and Nutrition Act § 16(c)(1)(C), 7 U.S.C. § 2025(c)(1)(C). In accordance with this

authority, FNS established a liability amount for Oregon of \$3,306,869 for Federal fiscal year 2019.

The Appellant and Appellee have agreed that, pursuant to 7 C.F.R. § 283.10, this proceeding should be terminated by entry of this Consent Decision. For the purposes of this Consent Decision, Appellant Oregon and Appellee FNS stipulate that the Secretary of the United States Department of Agriculture (“Secretary”) has jurisdiction over appeals of SNAP Quality Control claims for FFY 2019 and further stipulate to the Findings of Fact set forth below. Additionally, the Appellant waives oral hearing and further procedure; all rights to seek judicial review and otherwise challenge or contest the validity of this decision; and consents and agrees to the entry of this Consent Decision.

Findings of Fact

Appellant and Appellee stipulate to the facts outlined by the attached signed Settlement Agreement.

Conclusion

The parties having admitted the jurisdictional facts and having agreed to the entry of this Consent Decision, the Consent Decision will be entered.

Order

Pursuant to 7 C.F.R. § 283.10, the Federal fiscal year 2019 liability amount of \$3,306,869 shall be addressed pursuant to the terms of the settlement agreement reached by the parties. The provisions of this Consent Decision shall become final and effective 30 days after the date of service of this decision and is not subject to further administrative or judicial review.

Copies of this Consent Decision shall be served upon the parties.

Done at Washington, D.C. this 25th day of August, 2021.

CHANNING
STROTHER

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STROTHER
Date: 2021.08.25 13:49:10 -04'00'

Channing D. Strother
Chief Administrative Law Judge

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[signatures continue on next page]

SARAH
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