

*In the matter of Southeastern Grocers, LLC*  
**FINAL AGENCY DECISION**

The Department's WIC Program terminated the contracts of eleven stores owned by Petitioner Southeastern Grocers, LLC, citing their unauthorized use of a non-official stamp on WIC vouchers. Specifically, Petitioner used a generic, store-bought rotary stamp to imprint its WIC number over earlier imprints placed on the vouchers using its official WIC stamp. This was done on vouchers that had been returned because the original imprint made with the official stamp was illegible. Petitioner sought administrative appeal and the matter was referred to the Office of State Administrative Hearings in accordance with O.C.G.A. § 50-13-41(a). The matter was assigned to Judge Ana Kennedy, who issued an initial decision on summary determination reversing the terminations. The matter now returns to the Department for final decision. I have been appointed review officer to act on behalf of the Department.

I find that Judge Kennedy has carefully resolved the issues raised in this appeal, both as to procedure and substance. I cannot improve upon her order, and it is hereby adopted in its entirety as the final decision of the Department.

It is important to note the limited scope of this decision. It concerned an unusual situation in which a vendor used its official WIC stamp on a voucher, producing an imprint that was difficult to read, and then, after the voucher had been rejected by the bank, used an unapproved stamp to add ink to the original imprint. Judge Kennedy correctly determined that this practice does not amount to "reproducing the stamp" for purposes of establishing grounds for termination under the WIC Vendor Handbook.<sup>1</sup> However, it is an improper practice and

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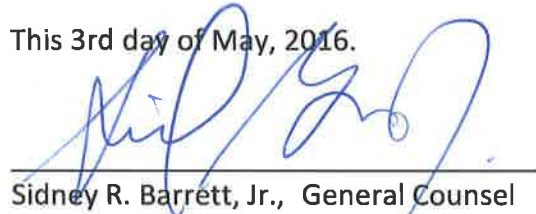
<sup>1</sup> See WIC Vendor Handbook (Nov. 2015) at p. 51; Georgia WIC Vendor Agreement (2015) at pp. 8, 10.



payment will not be made for any voucher so stamped.<sup>2</sup> Vendors who experience trouble having their vouchers approved should contract WIC Vendor Management for a replacement stamp or other assistance.

The decision of the Administrative Law Judge is hereby **affirmed** and made the final decision of the Department.

This 3rd day of May, 2016.



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Sidney R. Barrett, Jr., General Counsel

CC: Ruth Pawlak, Esq., counsel for the WIC Program  
Robert S. Highsmith, Jr., Esq., counsel for Petitioner

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<sup>2</sup> The WIC Vendor Handbook (Nov. 2015) states at p. 38: "Food instruments stamped with an unauthorized vendor stamp will not be paid." (Emphasis in original.)