



September 6, 1990

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SUBJECT: Evaluation of Appealed Adverse Decisions

TO: State Directors

PURPOSE/INTENDED OUTCOME:

The purpose of this Administrative Notice (AN) is to direct States to continue the informal evaluation process which reviews adverse decisions immediately after a Notice of Appeal has been received, but prior to the scheduled appeal hearing. The intended outcome is to reduce the number of appeal hearings.

COMPARISON WITH PREVIOUS AN 1998:

This AN replaces AN 1998 (1900), dated October 20, 1989.

IMPLEMENTATION RESPONSIBILITIES:

State Directors are to continue to evaluate appealed adverse decisions based on the guidelines outlined in this AN. Decisions issued by the County Committee are exempt from the provisions of this AN.

When an adverse decision has been appealed, the Decision Maker will notify immediately by phone the appropriate Evaluation Official indicated below to discuss the adverse decision. This official may request the case file, but it must be returned to the originating office within 7 days after receipt. The evaluation must be completed within 14 days from the date on which the Decision Maker is notified of an appeal request. This notification does not affect the Hearing Officer's scheduling of an appeal hearing.

The Evaluation Official will have two options regarding the adverse decision:

1. Concur in the adverse decision and the appeal proceeds without interruption.

EXPIRATION DATE: September 30, 1991

FILING INSTRUCTIONS:
Preceding FmHA
1900-B



2. Suspend the adverse decision and direct the Decision Maker to continue processing the borrower/applicant's request and/or servicing action. If this option is used, the Decision Maker will notify the National Appeals Staff (NAS) Area Supervisor and the borrower/applicant that the Agency will continue to process the request. At this time, the NAS will suspend the appeal subject to the Agency's final disposition of the appealed decision.

The evaluation official will take only ONE of the options listed above. The evaluation process will not be used to create new decision letters justifying the original decision.

DECISION MAKER

EVALUATOR

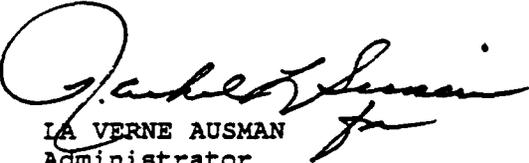
County Supervisor or District Director

State Director

State Director

Assistant Administrator

Evaluation Officials should continue to maintain data on the number of appealed adverse decisions reviewed and their final disposition. Any questions regarding this process should be directed to Diana Huffman, Program Support Staff, at FTS 382-9619.


LA VERNE AUSMAN
Administrator