

**For:** State and County Offices

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**Time Limits for Participants to File Appeals and/or Submit CCC-931**

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**Approved by:** Acting Administrator



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**1 Overview**

**A Background**

Notice PL-238:

- instructed State and County Offices to notify participants in FSA's farm and conservation programs who had not filed a written consent to IRS for disclosure of certain information
- provided the determination letter to be mailed to persons and legal entities identified on Reconciliation Reports for 2009, 2010, and 2011.

FSA used information provided by IRS for 2009, 2010, and 2011 for average AGI verification purposes. The determination letter explains that because CCC-931 was not submitted, the participant was ineligible for 2009, 2010, and 2011 program benefits and a refund was required of all program payment benefits received for 2009, 2010, and/or 2011. Participants were given 30 calendar days after receiving the determination letter to file a written appeal to COC. If the participant submitted a complete CCC-931 as part of the appeal or during the time period in which to appeal, CED and COC could withdraw the determination letter. For recipients of the determination letter, who **did not** appeal or submit CCC-931 within the 30 calendar day time period, receivables were established and demand letters were issued.

Many participants:

- may not have fully understood the instructions provided in the determination letter issued July 31, 2012
- did not respond to the determination letter until they received the demand letter and as a result, participants are filing written appeals and submitting CCC-931's after the 30 calendar day time period has passed and FSA's determination has become administratively final.

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**Disposal Date**

February 1, 2013

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**Distribution**

State Offices; State Offices relay to County Offices and NRCS Offices

## Notice APP-61

### 1 Overview (Continued)

#### A Background (Continued)

1-APP, subparagraph 16 F provides that if FSA receives a written appeal 1 to 14 calendar days **after** the 30 calendar day time period together with a satisfactory written explanation for the late-filing, COC shall either accept or decline to accept the late-filed appeal.

For written appeals received 15 days or more **after** the 30 calendar day time period, any action to reopen cases that are administratively final **must** be requested in writing by SED to the Director, ALS according to 1-APP, subparagraph 25 D.

#### B Purpose

This notice:

- authorizes reopening certain cases according to 1-APP, subparagraph 25 D
- provides the final date that COC may reopen cases to accept written appeals and completed CCC-931's

**Note:** The date provided in paragraph 2 is limited **only** to the final AGI reconciliation process for 2009, 2010, and 2011 payment eligibility and the determination letter provided in Notice PL-238.

- obsoletes Notice APP-60.

#### C Contact

Direct any questions about this notice to ALS at 202-690-3297.

### 2 Dates for Reopening Cases that May Be Administratively Final

#### A Final Date for Reopening Cases to Accept Late-Filed Appeals and CCC-931's

COC's shall reopen cases to accept:

- as timely filed written appeals through December 3, 2012
- CCC-931's through December 3, 2012.

If a participant submits CCC-931, either separately or with an appeal, through December 3, 2012, COC shall withdraw any associated adverse program determination and continue to process CCC-931 according to Notice PL-238.

**Note:** This notice does **not** change the requirements in Notice PL-238.

## Notice APP-61

### 2 Dates for Reopening Cases that May Be Administratively Final (Continued)

#### B When Appeal and/or CCC-931 is Considered Late-Filed

Appeals and/or CCC-931's received after **December 3, 2012**, will be considered late-filed and processed according to 1-APP, subparagraph 16 F.

If COC receives CCC-931 or appeal with accompanying CCC-931 through mail postmarked by December 3, 2012, it will be considered to be received by December 3, 2012.

### 3 Action

#### A State and County Office Action

COC's shall follow guidance in this notice and allow participants who received determination letters to submit a written appeal and CCC-931 through December 3, 2012, **before** considering the appeal late-filed.

For appeals received **after** December 3, 2012, State and County Offices shall follow 1-APP, subparagraphs 16 F and 25 D, as applicable.