

For: State and County Offices

FY 2014 National CORP Review for Improper Payments of MAL's

Approved by: Deputy Administrator, Farm Programs



1 FY 2014 MAL Improper Payments

A Background

The Improper Payments Information Act (IPIA) of 2002 requires Federal agencies to evaluate programs to determine whether internal controls are sufficient to prevent issuing improper payments.

IPIA reviews enable FSA to have reliable and statistical data to determine:

- the effectiveness of programs
- whether adequate management controls are in place to conform to IPIA requirements.

OMB defines an improper payment as any payment that should **not** have been issued or was issued for an incorrect amount under statutory, contractual, administrative, or other legally applicable requirements. Incorrect amounts include both overpayments and underpayments.

FSA continues to make eliminating improper payments a top priority and has incorporated the priority into strategic planning and performance measures.

B Purpose

This notice:

- is being issued as part of FSA's Corrective Action Plan as required under IPIA
- informs State and County Offices of FY 2014 CORP findings for FY 2013 MAL disbursements
- **requires** follow-up action in all County Offices to ensure that all offices and employees are aware of the errors identified and the proper procedures for these findings.

Disposal Date

April 1, 2015

Distribution

State Offices; State Offices relay to County Offices

2 IPIA Findings

A FY 2014 IPIA MAL Rate

The FY 2014 improper payment rate for MAL is .86 percent, up from the .34 percent error rate reported in FY 2013. The following table provides error rates for the past 3 years.

Program Name	FY of Review	Error Rate
MAL's	2012	.08 percent
	2013	.34 percent
	2014	.86 percent

B MAL Specific CORP Findings

The following table provides MAL application CORP findings. MAL producer eligibility findings are in subparagraph C.

Description of Findings	Procedure Reference	Policy
Signature on note and security agreement obtained after loan disbursement.	8-LP, subparagraph 509 B.	MAL shall not be: <ul style="list-style-type: none"> approved until the note and security agreement is signed by all required borrowers, and disbursed by an individual delegated, or redelegated to approve MAL's.
Note and Security Agreements not approved on or before the date of loan disbursement.		
Determination of reasonable quantity is not made.	8-LP, subparagraph 230 E.	COC shall annually determine reasonable maximum yields for each commodity based on crop and growing conditions in the county. Document in COC minutes. The County Office shall determine maximum reasonable quantity and available amount according to Notice PS-726.
Incorrect loan rate used.	8-LP, paragraphs 234, 506, and 540.	The Loan rate for all MAL's: <ul style="list-style-type: none"> is the applicable loan rate for the county where the commodity is stored, and adjusted for reductions according to 8-LP, paragraph 520

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2 IPIA Findings (Continued)

B MAL Specific CORP Findings (Continued)

Description of Findings	Procedure Reference	Policy
Incorrect loan rate used. (Cntd)	8-LP, paragraphs 234, 506, and 540.	<ul style="list-style-type: none"> stored in a warehouse is not: <ul style="list-style-type: none"> reduced to reflect storage paid through maturity <p>Note: If receipt indicates that storage is not paid through loan maturity, see subparagraph 540 G for acceptable documentation.</p> <ul style="list-style-type: none"> adjusted for premiums and discounts for any commodity except cotton and peanuts.
Loan quantity was determined not reasonable.	8-LP subparagraph 230 G.	For MAL quantities that exceed COC maximum established yield, counties must, in all cases, follow 8-LP, subparagraph 230 G.
Required lien waivers were not obtained.	8-LP, paragraph 505.	CCC-679's shall be obtained before loan disbursement. Under no circumstances shall the County Office initiate the MAL disbursement process before all required CCC-679's are received. If CCC-679 cannot be obtained, the loan shall not be disbursed.
CCC-10 is not on file.	8-LP, paragraph 502.	CCC-10 is required for all MAL's. If CCC-10 is already on file and the information is still correct, a new CCC-10 is not required.
Basis of quantity determination on CCC-666 is not completed.	8-LP, paragraph 500 and subparagraph 524 A, item 14.	Acceptable basis of quality determination is required. If item 14 is not completed according to subparagraph 524 A, then MAL will be considered an improper payment.
Loan forms and security agreements were approved by employees without redelegation of authority.	8-LP, subparagraph 2 B and 16-AO, paragraphs 212 through 214.	COC is authorized to approve all MAL documents. COC must redelegate to CED this approval authority. CED may redelegate to Federal and non-Federal County Office employees, approval authority for specific forms and/or programs. Redelegations must be documented in the COC minutes.

2 IPIA Findings (Continued)

C MAL Producer Eligibility CORP Findings

The following table provides MAL producer eligibility CORP findings. These findings may also apply to LDP's.

Description of Findings	Procedure Reference	Policy
An acceptable acreage report for all cropland on the farm is not on file.	8-LP, paragraphs 200 and 201, 2-CP, paragraphs 16 and 19.	<p>To be eligible for MAL and LDP benefits on any production from a specific farm, acreage for all cropland under that farm number must be reported according to 2-CP. All cropland on the farm must be reported by the final crop reporting date applicable in the State or all production from that farm is ineligible.</p> <p>This is a statutory requirement included in the Agricultural Act of 2014 (2014 Farm Bill) at Sec. 1118(c).</p> <p>See 2-CP, paragraphs 318 and 380.5 for information on a Crop Acreage Reporting System report for identifying "Farms with Unreported Cropland".</p>
Report of acreage for applicable crop not on file.	8-LP, paragraphs 200 and 201.	<p>Only crops reported with applicant having a share in the commodity are eligible for MAL and LDP.</p> <p>Exception: Acreage reports for producers requesting wool, mohair, and honey MAL's and LDP's, are only required if the producer has cropland.</p>
AD-1026 not on file for producer or affiliated producers.	8-LP, paragraphs 200 and 201, 6-CP, paragraphs 301 and 302.	AD-1026 is required for all producers and affiliated persons, according to 6-CP, before MAL's and LDP's are approved and disbursed.

3 Additional Requirements for Crop Year 2014

A Additional Information

Because of the increased error rate for MAL's, additional steps are being taken to ensure that proper procedure is being followed when processing MAL disbursements. In addition, because of lower commodity prices, MAL and LDP activity will likely increase in the next few years and County Offices have many new employees who are working with MAL's for the first time.

3 Additional Requirements for Crop Year 2014 (Continued)

A Additional Information (Continued)

With the Agricultural Act of 2014 (2014 Farm Bill), new eligibility requirements are applicable to MAL's and LDP's. To ensure that employees are following proper procedure, training presentations and updated CCC-770 checklists have been developed and are now available.

B Required Training

Power Point training presentations on MAL and LDP policy requirements have been developed and are available on the DAFP intranet web site. Because it has been a number of years since LDP's have been issued, and cotton is in LDP status, LDP policy training is included as a refresher for employees.

All County Office employees working with MAL's and LDP's are required to access and complete the training. Both presentations should only take 10 to 15 minutes each to complete. The training shall be completed **within 4 weeks** after this notice is issued.

Exception: Employees hired within the last 12 months or employees without prior MAL and LDP experience shall complete the training **within 2 weeks** after issuance of this notice.

After the training has been completed:

- CED's shall send the names of employees and date completed to their price support State Office specialists within 1 month after the issuance of this notice
- State Office specialists shall:
 - within 6 weeks after the issuance of this notice, consolidate the lists and e-mail 1 list to **deann.allen@wdc.usda.gov**
 - ensure that all employees working with MAL's and LDP's have reviewed the training slides.

To access the training slides, log into the DAFP web site at **<http://intranet.fsa.usda.gov/DAFP>** and CLICK:

- DAFP Training Web Site
- Other Farm Programs Training
- MAL – 2014 Farm Bill or LDP – 2014 Farm Bill.

Note: The training slides may be printed for future reference.

3 Additional Requirements Crop Year 2014 (Continued)

C CCC-770 Checklists

The CCC-770 checklists for MAL's and LDP's have been revised to incorporate the eligibility changes beginning with the 2014 crop year. The revised CCC-770 MAL (Exhibit 1) and CCC-770 LDP (Exhibit 2) are attached.

Because of the increase in improper payments, all County Office employees working with MAL's and LDP's, after receipt of this notice and at the beginning of each crop year, are required to:

- complete CCC-770 MAL for the first 3 MAL's processed
- complete CCC-770 LDP for the first 5 LDP's processed.

Notes: SED's may require new employees or employees processing MAL's and LDP's for the first time, to complete more than the required number of CCC-770's.

The requirement for completing additional CCC-770's will be effective after the receipt of this notice. MAL's and LDP's already completed do **not** need to be reviewed.

In addition, the applicable CCC-770 form is **required** to be completed for any MAL or LDP that was disbursed, reversed with a receivable established, and is being re-entered. The applicable CCC-770 **must** be completed before the MAL or LDP is re-entered to ensure that all eligibility requirements and signatures have been obtained.

D Action

SED's shall ensure that:

- applicable State Office program chiefs and specialists review this notice, and all related CORP reports in detail to develop Corrective Action Plans as needed, to ensure that County Offices follow applicable program procedures issued through national notices and program handbooks
- additional internal control procedures are developed to avoid findings indicated by any CORP reviews for the specified program according to 8-LP, subparagraph 23
- applicable State Office program divisions provide additional training where needed and implement Corrective Action Plans to reduce improper payments
- DD's review this notice with CED's and PT's within their respective districts.

Example CCC-770 MAL

This is an example of CCC-770 MAL page 1.

This form is available electronically.

CCC-770 MAL (12-09-14)		U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation		1. Name of Applicant				
MARKETING ASSISTANCE LOAN (MAL) PROCESSING CHECKLIST (FOR ALL COMMODITIES EXCEPT COTTON)				2. Date of Application (MM-DD-YYYY)				
				3. Loan Type: Warehouse Stored Farm Stored				
				4. State Office Name				
				5. County Office, DMA or CMA Name				
6. Commodity	7. Class/Type	8. Crop Year	9. Loan Number	10. Warehouse Code	11. No. of Warehouse Receipts: Paper: EWR:			
12. MAL Request/Application:				Handbook or Other Applicable References	YES	NO	N/A	Initials
A. Is the CCC-666 properly completed and signed for all certified and measured farm stored loans and warehouse stored loans for all commodities except peanuts? Note: CCC-666 can also be required for a warehouse peanut MAL application as determined by State Office.				8-LP, paragraphs 500, 540 and 524				
B. For warehouse-stored loans, has the paper receipt been properly endorsed by borrower or CCC made holder of the EWR?				8-LP, paragraph 545				
C. If measurement service is requested, has the CCC-666 been completed and signed, and the applicable portions of the FSA-409 and CCC-677-1 been completed?				8-LP, paragraphs 524 and 525				
D. Is the CCC-10 properly completed, signed and on file for all types of loan applications?				8-LP, paragraph 502				
13. Producer/Commodity Eligibility Verification:								
A. Has the FSA-578 been properly completed and filed showing applicant has a share in the commodity? (Not applicable for CMA's).				8-LP, paragraph 200				
B. Has all cropland on the farm been reported on FSA-578? If not, does the applicant understand that all cropland on the farm must be reported by the final crop reporting date in the State or all production from that farm is ineligible for MAL? (Not applicable for CMA's).				8-LP, paragraph 200				
C. Has AD-1026 been filed by applicant and all affiliated persons according to 6-CP?				6-CP, paragraphs 17, 302 and 601				
D. Does applicant and all affiliated persons, as applicable, meet the eligibility requirements for foreign person, controlled substance, delinquent debt, and fraud?				8-LP, paragraphs 201-203				
E. For all loans that require a CCC-666, did the producer answer the question, "Are you or any co-applicant delinquent on any Federal non-tax debt?"				8-LP, paragraphs 202, 523 and 524				
F. Has commodity eligibility (in existence and in storable condition) been verified via certification on CCC-666 or by measurement service?				8-LP, paragraph 225				
G. Has the loan been requested on or before the final loan availability date?				8-LP, paragraph 226				
H. Is the quantity requested within the COC-established reasonable yield for the commodity? Note: County Office MUST determine reasonableness based on maximum eligible quantity, as applicable.				8-LP, paragraph 230				
I. Has a second party review been properly completed on CCC-666? Ensure that CCC-666 was initiated by the reviewer.				8-LP, paragraph 234				
14. MAL Processing/Approval:								
A. Has the UCC-1 been properly filed and verification of the filing received on all farm stored loans? (Not applicable for CMA's).				8-LP, paragraph 521, and subparagraphs 504B and C				
B. Has a lien search been performed, if applicable? Results of lien search must be printed and filed in the loan folder. (Not applicable for CMA's.)				8-LP, paragraph 504				
C. Have all required lien waivers been signed by lienholders and are on file in the county office?				8-LP, paragraph 505				

Example CCC-770 MAL (Continued)

This is an example of CCC-770 MAL, page 2.

CCC-770 MAL (12-09-14)		Page 2 of 2			
14. MAL Processing/Approval (Continuation):	Handbook or Other Applicable References	YES	NO	N/A	Initials
D. For DAFP authorized loan deductions, were the deductions submitted on a statement of charges signed by the producer?	8-LP, paragraphs 505 and 547				
E. Were authorized deductions and joint payments made according to lienholder instructions on CCC-679?	8-LP, paragraph 505				
F. Were CCC-683, Commodity Loan Seals provided for farm stored MAL?	8-LP, paragraph 523 and Exhibit 16				
G. Has the CCC-665, Agreement for Grain Pledged as Collateral for CCC Commodity Loans, been properly completed and all required signatures obtained, if applicable for commingled production?	8-LP, paragraph 527				
H. Was the applicable loan rate for the stored commodity requested for loan verified? Note: Loan rate is based on where the commodity is stored.	8-LP paragraph 506				
I. Has a second party review been properly completed on CCC-677 or CCC-678 with the reviewer initialing the applicable form?	8-LP, paragraph 234				
J. For MAL disbursements greater than \$150,000, if loan proceeds will be used for lobbying, has SF-LLL been obtained?	8-LP, paragraph 28				
K. Is the CCC-677 or CCC-678 approved by an individual delegated or re-delegated to approve these forms?	8-LP, paragraphs 2 and 509				
L. Is the approval the same day or after the date all producer signatures were obtained AND before processing the disbursement?	8-LP, paragraph 509				
15. Remarks					
<p>Certifications: <i>I (we) the undersigned certify the above items have been verified or updated accordingly. I also certify that the producer will be provided the applicable Note and Security Agreement and the Note and Security Agreement Terms and Conditions upon the approval of the requested marketing assistance loan and that the policies and procedures were followed according to the applicable handbooks.</i></p>					
16A. Signature of Preparer(s)					16B. Date (MM-DD-YYYY)
17A. I concur/do not concur the above items have been verified or updated accordingly.					<input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur
17B. CED Signature / STC Designee Signature					17C. Date (MM-DD-YYYY)

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Example CCC-770 LDP

This is an example of CCC-770 LDP, page 1.

This form is available electronically.

CCC-770 LDP (12-09-14)	U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation	1. Producer/Applicant Name	2. Date of Application (MM-DD-YYYY)			
LOAN DEFICIENCY PAYMENT (LDP) PROCESSING CHECKLIST		3. Administrative or Producing State & County Office	4. Disbursing County Office			
		5. Crop Year	6. LDP Number			
		7. Farm Number (Not Required)	8. Commodity/Class/Type			

NOTE: Properly completed forms mean completed according to the applicable procedure. This shall include proper signatures, shares, ID numbers, addresses, date stamp, etc.

9. LDP Request/Application	Handbook or Other Applicable References	YES	NO	N/A	Initials
A. Is there a properly completed and signed CCC-633 EZ Page 1 on file? <i>Explain "NO" answer: (Note: If "NO", LDP shall not be processed.)</i>	8-LP, paragraphs 1002 and 1007; 7-CN, subparagraph 261F, and paragraph 261.5				
B. Was the CCC-633 EZ Page 1 filed prior to loss of beneficial interest? <i>Explain "NO" answer: (Note: If "NO", LDP shall not be processed.)</i>	8-LP, paragraph 1002 7-CN, paragraphs 261.5 and 275.5				
C. Was the CCC-633 EZ, Page 1 approved by an individual delegated or re-delegated to approve CCC-633 EZ's, after all required signatures have been obtained?	8-LP, paragraphs 2 and 1007; 7-CN, paragraph 14				
D. Has CCC-633 EZ, Page 1 been forwarded to other county offices, if applicable?	8-LP, paragraph 1002; 7-CN, subparagraph 261G				
E. Was the completed CCC-633 EZ, Page 1 and applicable LDP benefit request page (page 2, 3 or 4) received in the county office on or before the final loan / LDP availability date?	8-LP, paragraph 226; 7-CN, paragraph 263				
F. Was CCC-633 EZ, Page 1 and applicable LDP benefit request page (page 2, 3 or 4) completed according to instruction, and signed by all applicable and required producers?	8-LP, paragraph 1007; 7-CN, paragraph 261.6				
G. Do individuals signing in a representative capacity have the documentation on file in the county office allowing them to sign for that individual or entity and request an LDP?	8-LP, paragraph 1007; 7-CN, paragraph 45				
H. Are CCC-633 EZ, Page 1 and Page 2, 3, or 4 date-stamped and was the date of receipt verified according to procedure?	8-LP, subparagraph 1001E; 7-CN, paragraph 263				
I. Did the producer answer the question, "Are you or any co-applicant delinquent on any Federal Non-tax debt?"	8-LP, subparagraph 202A; 7-CN, paragraph 100.5				
J. Has a second party reviewer verified and initialed the applicable LDP benefits page (CCC-633 EZ, Page 2, 3 or 4) to ensure the applicable LDP request was properly completed and ready for approval and processing?	8-LP, paragraph 234; 7-CN, subparagraphs 271A and 274J				
K. Is the applicable page 2, 3 or 4 approved by an individual delegated or re-delegated to approve CCC-633 EZ's, after all producers signatures have been obtained AND before processing?	8-LP, paragraphs 2 and 1007; 7-CN, paragraphs 14, 261.5 and 274				

10. Producer/Commodity Eligibility	Handbook or Other Applicable References	YES	NO	N/A	Initials
A. Has the FSA-578 been properly completed and filed showing applicant has a share in the commodity?	8-LP, paragraph 200 and 201; 7-CN, subparagraph 100A; 2-CP, paragraphs 15 and 16				
B. Has all cropland on the farm been reported on FSA-578? If not, does the applicant understand that all cropland on the farm must be reported by the final crop reporting date in the State or all production from that farm is ineligible for LDP?	8-LP, paragraph 200 and 201; 7-CN, subparagraph 100A; 2-CP, paragraph 16				
C. Has AD-1026 been filed by applicant and all affiliated persons according to 6-CP?	8-LP, paragraphs 200 and 201; 7-CN, subparagraph 100A; 6-CP, paragraphs 17, 302 and 601				

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Example CCC-770 LDP (Continued)

This is an example of CCC-770 LDP, page 2.

CCC-770 LDP (12-09-14)		Page 2 of 2			
10. Producer/Commodity Eligibility (Continuation)	Handbook or Other Applicable References	YES	NO	N/A	Initials
D. Has CCC-941 been completed and compliance verified for the applicant and all affiliated persons according to 5-PL?	8-LP, paragraphs 200 and 1000; 7-CN, subparagraph 100A; 5-PL, paragraphs 3, 291 and 294				
E. Has CCC-902 and CCC-901, if an entity, been completed, and the applicant determined to be actively engaged in farming?	8-LP, paragraphs 200 and 1000; 7-CN, paragraphs 43 and 100; 5-PL, paragraphs 17, 41 and 44				
F. Does applicant have payment limitation available?	8-LP, subparagraph 34A; 7-CN, subparagraph 43A; 5-PL, subparagraph 3R, and paragraph 17				
G. Does applicant and all affiliated persons, if applicable, meet the eligibility requirements for controlled substance, delinquent debt, fraud and foreign person?	8-LP, paragraphs 201-203 and 1001; 7-CN, paragraphs 40, 100, 100.5 and 101				
H. Is the quantity requested for LDP within the COC established reasonable yield for the commodity and profile established?	8-LP, paragraph 230, 7-CN, subparagraph 119B				
I. If the requested quantity exceeds COC established reasonable yield, did the COC determine the quantity reasonable? Explain "NO" answer:	8-LP, paragraph 230, 7-CN, subparagraph 119C				
J. If LDP is based upon date beneficial interest is lost, was acceptable Production evidence provided and was the LDP rate verified? Explain "NO" answer:	8-LP, paragraphs 227 and 1004; 7-CN, paragraph 262				
K. Is LDP rate correct for request date and county where marketed or stored, if beneficial interest is maintained? (N/A for cotton)	8-LP, paragraph 1004				
L. Is LDP rate correct for "Dates of Delivery", if LDP requested based on date of delivery? (N/A for cotton)	8-LP, paragraph 1004				
11. LDP Processing					
A. For LDP's exceeding \$100,000, has CCC-674 or SF-LLL been obtained before LDP is processed?	8-LP, paragraph 28 7-CN, paragraph 37				
B. Has the FSA Financial Services Web Application (FSAFS) been updated to reflect assignments, if applicable?	63-FI, Parts 3 and 4				
C. Has LDP summary page been printed, filed in LDP folder, and a copy given to producer?	15-PS, Part 2, 7-CN, Subparagraph 285.2I				
12. Cotton – Specific LDP Processing					
A. If request is for a module-lock-in LDP, is the request date after the beginning-of-harvest-date for the County?	7-CN, paragraph 275				
B. If request is for a module-lock-in LDP, does production evidence from the gin indicate that the bales were produced from the modules identified on the original application?	7-CN, subparagraph 275B and 262A				
C. Has CCC-Cotton AA-1 been printed, filed in LDP folder and a copy given to producer?	7-CN, subparagraph 278C				
13. Remarks					
14. Certification:					
<i>I (we) the undersigned certify the above items have been verified or updated accordingly. I also certify that the applicable LDP documents will be filed in accordance with handbook 25-AS and that the producer will receive the applicable LDP documentation according to policies and procedures found in applicable handbooks.</i>					
14A. Signature of Preparer(s)		14B. Date (MM-DD-YYYY)			
15. I concur/do not concur the above items have been verified or updated accordingly.		<input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur			
15A. CED Signature / STC Designee signature		15B. Date (MM-DD-YYYY)			