

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

Notice NAP-180

For: State and County Offices

Submitting Recommendations for Approval of Late-Filed CCC-471's

Approved by: Acting Deputy Administrator, Farm Programs



1 Overview

A Background

NAP coverage cannot begin earlier than 30 days after an application for coverage (CCC-471) is filed. To be filed, CCC-471 must be accompanied by the required service fee or CCC-860 for the producer seeking coverage. For this reason, application closing dates are established to permit coverage to begin before the crop's growing (and risk) period commences.

1-NAP (Rev. 2), subparagraph 301 E, provides instructions for FSA County Offices and COC's to process CCC-471's filed after the application closing date. COC's are delegated authority to review and approve late-filed CCC-471's accompanied by an appropriate written explanation by the applicant, for CCC-471's filed within 30 days after the application closing date. For CCC-471's filed more than 30 days after the application closing date, but before the end of a coverage period, COC may recommend approval of the late-filed application. STC may forward cases to DAFP that STC warrant relief approval by DAFP.

Since issuance of the late-filed application policy in 1-NAP (Rev. 2), some State Offices have forwarded COC and STC recommended approval of late-filed CCC-471's that were:

- late-filed more than 9 months after the application closing date
- late-filed after widespread or known disaster events had occurred
- not supported by credible justification or extenuating circumstances warranting approval.

Disposal Date	Distribution
January 1, 2016	State Offices; State Offices relay to County Offices

1 Overview (Continued)

B Purpose

This notice instructs State and County Offices to **only** submit cases to DAFP that permit coverage to attach early in the coverage period, and not after a disaster has occurred (regardless of whether or not the disaster impacted the crop), and only when COC and STC both document the justification for the programmatic relief.

2 Handling Late-Filed CCC-471's

A CCC-471 Filed Within 30 Days of Application Closing Date

COC will continue to follow 1-NAP, subparagraph 301 E, for CCC-471's filed within 30 days of the application closing date, when the late-filed CCC-471 is accompanied by a written explanation for the late-filing.

Note: Generally, a participant's assertion of not being aware of an application closing date is not a valid reason for finding the participant was prevented, by reasons beyond the participant's control, from filing a timely application. Information on application closing dates for crops is available in many places or by contacting FSA.

B CCC-471 Filed More Than 30 Days After the Application Closing Date, But Before End of Coverage Period

COC and STC will each follow 1-NAP, subparagraph 301 E, for CCC-471's late-filed more than 30 days after the application closing date. In addition to instructions in 1-NAP, before any case is submitted to DAFP with a recommendation for approval, COC and STC will each document in writing, the specific credible justification for the recommendation of relief and only forward cases that would satisfy or meet all the following conditions.

- the applicant's failure to timely file an application for coverage was due to reasons that were beyond the applicant's control according to subparagraph A
- relief approval would permit coverage to attach early enough in the coverage period to eliminate the likelihood that coverage was obtained after a disaster condition occurred. Favorable consideration of the filing of a late-filed application for coverage should diminish as the coverage period progresses (meaning later filed applications should not be recommended without exceptionally good reasons)

2 Handling Late-Filed CCC-471's (Continued)

B CCC-471 Filed More Than 30 Days After the Application Closing Date, But Before End of Coverage Period (Continued)

- the late-filed CCC-471 was **not** filed after any potential eligible cause of loss or disaster event occurred, which could have impacted the NAP crop regardless of whether or not the applicant has claimed the loss condition or event adversely impacted the crop
- both COC and STC have found and documented the specific reason the applicant was unable (prohibited by reasons beyond the producer's control), to file CCC-471 by the application closing date

If COC and STC **cannot** document the late-filed application case as meeting the requirements of this notice and 1-NAP (Rev. 2), subparagraph 301 E, then STC must **not** forward the case to DAFP with recommendation for approval.

Note: COC and STC are delegated discretion to make fact finding determinations and are expected to exercise good judgment with both equity and program integrity in mind. COC and STC will **not** forward frivolous cases to DAFP.

3 Action

A State Office Action

State Offices must ensure that:

- STC's and COC's are provided this notice as additional instructions before considering any additional cases for relief under 1-NAP (Rev. 2), subparagraph 301 E
- STC's are apprised that only cases that meet the requirements of this notice and 1-NAP (Rev. 2) should be forwarded to DAFP for relief consideration.

B County Office Action

County Offices will:

- review the contents of this notice with COC
- ensure that COC's understand that COC will only forward cases that meet the requirements of this notice and 1-NAP (Rev. 2), subparagraph 301 E.