

UNITED STATES DEPARTMENT OF AGRICULTURE
 Farm Service Agency
 100 USDA, Suite 102
 Stillwater, OK 74074-2653

Program Appeals, Mediation, and Litigation 1-APP (Rev. 1)	OK Amendment 7
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Approved by: State Executive Director



Amendment Transmittal

A Reason for Amendment

Removes the sentence “The Oklahoma Agriculture Mediation Program may require you to pay all or part of the cost of mediation.” from all adverse decision letters because OAMP no longer charges a fee to producers who participate in mediation.

Updated addresses for NAD and OAMP to include the 800 telephone number and fax number. Counties should ensure they are using the correct address for both NAD and OAMP.

All odd numbered exhibits (1,3,5,7,9) are Farm Loan Program examples, all even numbered exhibits (2,4,6,8) are commodity program examples.

Page Control Chart		
TC	Text	Exhibit
	Page 2-9 Page 2-10 Page 6-7	OK Exhibit 1, pages 1-3 OK Exhibit 2, pages 1-4 OK Exhibit 3, pages 1-3 OK Exhibit 4, pages 1-3, page 4 (add) OK Exhibit 5, pages 1,2, page 3 (add) OK Exhibit 6, page 1,2, page 3 (add) OK Exhibit 7, pages 1,2, page 3 (add) OK Exhibit 8, pages 1,2 OK Exhibit 9, pages 1-4

27 **Suggested Notification Language for Decision Letters (Continued)**

B
COC Decisions

See OK Exhibit 2.

The contact address for the STC appeal option is:

Oklahoma State FSA Committee
100 USDA Suite 102
Stillwater, OK 74074-2563
Telephone: 405-742-1136
Fax: 405-742-1177

The contact address to use for the ADR option in adverse decision letters is:

Dr. Mac McCrory, Director
Oklahoma Agriculture Mediation Program
2323 W. 7th Street, Suite 2
Stillwater, OK 74074
Telephone: 405-377-0033, Toll Free #: 800-248-5465
Fax: 405-377-1048

The contact address for the NAD appeal option is:

Office of the Area Supervisor
National Appeals Division
Western Regional Office
755 Parfet Street, Suite 494
Lakewood, CO 80215-5599
Telephone: 303-236-2862 Toll Free #: 800-541-0483
TDD: 800-497-0253
Fax: 303-236-2820

27 Suggested Notification Language for Decision Letters (Continued)

**C
Agriculture
Loan Officer
Decisions**

The contact address to use for the ADR option in adverse decision letters is:

Dr. Mac McCrory, Director
Oklahoma Agriculture Mediation Program
2323 W. 7th Street, Suite 2
Stillwater, OK 74074
Telephone: 405-377-0033 Toll Free #: 800-248-5465
Fax: 405-377-1048

The contact address for the NAD appeal option in adverse decision letters is:

Office of the Area Supervisor
National Appeals Division
Western Regional Office
755 Parfet Street Suite 494
Lakewood, CO 80215-5599
Telephone: 303-236-2862 Toll Free #: 800-541-0483
TDD: 800-497-0253
Fax: 303-236-2820

Par. 94 Processing Requests for Mediation

A
Processing
Requests for
Mediation in
Certified States

The contact address for Mediation/ADR in Oklahoma is:

Dr. Mac McCrory, Director
Oklahoma Agriculture Mediation Program
2323 W. 7th Street, Suite 2
Stillwater, OK 74074
Telephone: 405-377-0033, Toll Free #: 800-248-5465
Fax: 405-377-1048

**Letter for Notifying Applicants, Lenders, Holders, and Borrowers of Decisions Made by Loan
Officials When the Decision is Appealable**

Last Updated 6/29/04

(Letterhead and County Office Address)

DATE:

(Insert inside address)

Dear *(insert name)*:

This responds to your request for *(insert applicable program benefits – e.g. a direct operating loan in the amount of \$60,000)*.

(Insert all specific facts and reasons for the adverse decision, with appropriate regulatory references.)

If you believe this decision is erroneous, you have the following options:

Reconsideration

You may request that I reconsider this determination by filing a written request not later than 30 calendar days after the date of this notice in accordance with the FSA appeal procedures found at 7 CRF Part 780. If you request reconsideration, you have the right to an informal hearing which you or your representative may attend either personally or by telephone. If you choose to seek reconsideration, you may later appeal the determination to NAD. To request reconsideration, write to me at the following address and explain why you believe this determination is erroneous.

Alternative Dispute Resolution (ADR)

Mediation through the Oklahoma Agriculture Mediation Program is available as part of FSA's informal appeal process. Mediation may enable us to narrow the issues and resolve the matter by mutual agreement. The Oklahoma Agriculture Mediation Program may require you to pay all or part of the cost of mediation. If you request mediation, the running of the time period in which you may file an appeal stops. When mediation closes, the clock restarts and you will have the balance of the days remaining in that period to file an appeal. To request mediation, you must submit your written request not later than 30 calendar days after the date of this notice. To request mediation, write to the Oklahoma Agriculture Mediation Program at the following address and provide a copy to FSA.

Dr. Mac McCrory, Director
Oklahoma Agriculture Mediation Program
2323 W. 7th Street, Suite 2
Stillwater, OK 74074
Telephone: 405-377-0033, Toll Free #: 800-248-5465
Fax: 405-377-1048

In the alternative, you may seek another acceptable form of ADR.

Appeal to the Department of Agriculture National Appeals Division (NAD)

You may appeal this determination to NAD by filing a written request not later than 30 calendar days after the date you receive this notice in accordance with the NAD appeal procedures found at 7 CFR Part 11. If you appeal to NAD, you have the right to a hearing which you and/or your representative may attend. Once a hearing with NAD begins, you waive any rights you might have to reconsideration or mediation. To appeal, you must write to NAD at the following address, explain why you believe this determination is erroneous, and provide a copy to FSA. You must personally sign your written appeal to NAD and include a copy of this letter.

Office of the Area Supervisor
National Appeals Division, Western Region
755 Parfet Street, Suite 494
Lakewood, CO 80215-5599
Telephone: 303-236-2862, Toll Free #: 800-541-0483
TDD: 800-497-0253
Fax: 303-236-2820

If you do not exercise timely one of the preceding options, this shall be the final administrative determination with respect to this matter in accordance with the regulations at 7 CFR Part 780 and 7 CFR Part 11.

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, or age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with this law is the Federal Trade Commission, Equal Credit Opportunity, Washington, DC 20580.

USDA regulations prohibit discrimination in USDA programs because of your race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, disability; or because all or part of your income is derived from any public assistance program; or because you have filed a program complaint, participated in any program complaint proceeding, or opposed a prohibited practice.

If you believe that you have been discriminated against for any of the reasons stated above, you may file a complaint with the Director, Office of Civil Rights, United States Department of Agriculture, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410.

Sincerely,

(Insert signature and title of decisionmaker)

**Letter for Notifying Applicants of Decisions Made by COC
When the Decision is Appealable**

Last Updated 6/29/04



United States
Department of
Agriculture

Farm
Service
Agency

DATE:

(Inside address)

Dear *(insert name)*:

This responds to the *(request for review or appeal)* you filed concerning *(identify the issue under review/appeal including the appellant’s name, if different from the addressee, program, program year, farm number(s), etc.)*.

Background

(State the relevant background or history that is reflected in the administrative record to present. For example, “The record shows you entered into a contract to.....etc.” It should be very similar, if not identical to the information already shown in the “Background” section of the summary outline for the hearing.)

Appellant’s Position

(Articulate the appellant’s position and arguments. Be sure to include all arguments that are pertinent to the issue being appealed. Irrelevant arguments need not be included.)

Finding of Facts

(Absolutely necessary. Clearly state the relevant facts. All statements must be supported by program documents, program procedure, testimony, transcripts, etc. Cite the source, whether documentary evidence or verbal testimony, that the reviewing authority relied upon to make the finding of fact.)

Analysis

(Conclusions drawn from available facts and program provisions. Analyze the facts and address the appellant’s arguments. Must be based on applicable program provisions. Cite the program provisions (handbook procedure and/or regulation) that are used and applicable.)

Determination

(Specifically state the determination in this section, cite the regulatory or program procedure authority for the determination and specify the program consequences of the determination.

If you believe that this decision is erroneous, you have the following options:

Reconsideration

You may request that the *(insert county committee or State Committee, as applicable)* reconsider this determination by filing a written request not later than 30 calendar days after the date of this notice in accordance with the FSA appeal procedures found at 7 CFR Part 780. If you request reconsideration, you have the right to an informal hearing with the *((insert County Name) County Committee)* which you or your representative may attend either personally or by telephone. If you choose to seek reconsideration, you may later appeal the determination to the State Committee or NAD. To request reconsideration, write to the *((insert County Name) County Committee)* at the following address and explain why you believe this determination is erroneous.

(Insert applicable address)

Appeal to the State Committee (STC)

You may appeal the County Committee’s decision to the State Committee by filing a written request not later than 30 calendar days after the date of this notice in accordance with the FSA appeal procedures found at 7 CFR Part 780. If you appeal to the State Committee, you have the right to an informal hearing which you or your representative may attend either personally or by telephone. If you choose to appeal to the State Committee, you may later appeal the determination of the State Committee to NAD. If you appeal to the State Committee, you waive your right to reconsideration. To appeal, write to the State Committee at the following address and explain why you believe this determination is erroneous.

Oklahoma State FSA Committee
100 USDA Suite 102
Stillwater, OK 74074
Phone: 405-742-1131
Fax: 405-742-1177

Alternative Dispute Resolution (ADR)

Mediation through the Oklahoma Agriculture Mediation Program is available as part of FSA’s informal appeal process. Mediation may enable us to narrow the issues and resolve the matter by mutual agreement. If you request mediation, the running of the time period in which you may file an appeal stops. When mediation closes, the clock restarts and you will have the balance of the days remaining in that period to file an appeal. To request mediation, you must submit your written request not later than 30 calendar days after the date of this notice. To request mediation, write to the Oklahoma Agriculture Mediation Program at the following address and provide a copy to FSA.

Dr. Mac McCrory, Director
Oklahoma Agriculture Mediation Program
2323 West 7th Street, Suite 2
Stillwater, OK 74074
Telephone: 405-377-0033, Toll Free #: 800-248-5465
Fax: 405-377-1048

In the alternative, you may seek another acceptable form of ADR.

Appeal to the Department of Agriculture National Appeals Division (NAD)

You may appeal this determination directly to the National Appeals Division (NAD) by filing a written request not later than 30 calendar days after the date you receive this notice in accordance with the NAD appeal procedures found at 7 CFR Part 11. If you appeal to NAD, you have the right to a hearing which you and/or your representative may attend. Once a hearing with NAD begins, you waive any rights you might have to reconsideration, appeal to State Committee or mediation. To appeal, you must write to NAD at the following address, explain why you believe this determination is erroneous and provide a copy to FSA. You must personally sign your written appeal to NAD and include a copy of this letter.

Office of the Area Supervisor
National Appeals Division, Western Region
755 Parfet Street, Suite 494
Lakewood, CO 80215-5599
Telephone: 303-236-2862, Toll Free #: 800-541-0483
TDD: 800-497-0253
Fax: 303-236-2820

If you do not exercise timely one of the preceding options, this shall be the final administrative determination with respect to this matter in accordance with the regulations at 7 CFR Part 780 and 7 CFR Part 11.

USDA regulations prohibit discrimination in USDA programs because of your race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, disability; or because all or part of your income is derived from any public assistance program; or because you have filed a program complaint, participated in any program complaint proceeding, or opposed a prohibited practice.

If you believe that you have been discriminated against for any of the reasons stated above, you may file a complaint with the Director, Office of Civil Rights, United States Department of Agriculture, Room 326-W, Whitten Building, 1400 Independence Avenue SW, Washington, D.C. 20250-9410.

Sincerely,

Insert signature and title of decisionmaker)

**Letter for Notifying Applicants, Lenders, Holders, and Borrowers of Decision Reached as a
Result of Reconsideration (Meeting) on Decisions Made by Loan Servicing Officials**

Last Updated 6/29/04

(Letterhead and County Office Address)

DATE:

(Inside address)

Dear (insert name):

We have reviewed the decision related to (your application) (request for FSA assistance).

(Insert the adverse decision and all specific facts and reasons for the decision with appropriate regulatory references. Identify those items listed in the original letter that have been adequately resolved and those, if any, that were not resolved.)

If you believe that this decision is erroneous, you have the following options:

Alternative Dispute Resolution (ADR)

Mediation through the Oklahoma Agriculture Mediation Program is available as part of FSA’s informal appeal process. Mediation may enable us to narrow the issues and resolve the matter by mutual agreement. If you request mediation, the running of the time period in which you may file an appeal stops. When mediation closes, the clock restarts and you will have the balance of the days remaining in that period to file an appeal. To request mediation, you must submit your written request not later than 30 calendar days after the date of this notice. To request mediation, write to the Oklahoma Agriculture Mediation Program at the following address and provide a copy to FSA.

Dr. Mac McCrory, Director
Oklahoma Agriculture Mediation Program
2323 W. 7th Street, Suite 2
Stillwater, OK 74074
Telephone: 405-377-0033, Toll Free #: 800-248-5465
Fax: 405-377-1048

In the alternative, you may seek another acceptable form of ADR.

National Appeals Division (NAD) Appeal

You may appeal this determination to NAD by filing a written request not later than 30 calendar days after the date you receive this notice in accordance with the NAD appeal procedures found at 7 CFR Part 11. If you appeal to NAD, you have the right to a hearing which you and/or your representative may attend. Once a hearing with NAD begins, you waive any rights you might have to mediation. To appeal, you must write to NAD at the following address, explain why you believe this determination is erroneous, and provide a copy to FSA. You must personally sign your written appeal to NAD and include a copy of this letter.

Office of the Area Supervisor
National Appeals Division, Western Region
755 Parfet Street, Suite 494
Lakewood, CO 80215-5599
Telephone: 303-236-2862, Toll Free #: 800-541-0483
TDD: 800-497-0253
Fax: 303-236-2820

If you do not exercise timely one of the preceding options, this shall be the final administrative determination with respect to this matter in accordance with the regulations at 7 CFR Part 780 and 7 CFR Part 11.

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, or age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with this law is the Federal Trade Commission, Equal Credit Opportunity, Washington, DC 20580.

USDA regulations prohibit discrimination in USDA programs because of your race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, disability; or because all or part of your income is derived from any public assistance program; or because you have filed a program complaint, participated in any program complaint proceeding, or opposed a prohibited practice.

If you believe that you have been discriminated against for any of the reasons stated above, you may file a complaint with the Director, Office of Civil Rights, United States Department of Agriculture, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410.

Sincerely,

(Insert signature and title of decisionmaker)

**Letter for Notifying Applicants of Decisions Reached as a Result of
Reconsideration for Decisions Made by COC**

Last Updated 6/29/04

(Letterhead and County Office Return Address)

DATE:

(Inside address)

Dear (insert name):

The (insert County name) County Committee (COC) has reviewed its decision related to (your application, identify the issue under review/appeal including the appellant’s name, if different from the addressee, program, program year, farm number(s), etc.).

Background

(State the relevant background or history that is reflected in the administrative record to present. For example, “The record shows you entered into a contract to.....etc.” It should be very similar, if not identical to the information already shown in the “Background” section of the summary outline for the hearing.)

Appellant’s Position

(Articulate the appellant’s position and arguments. Be sure to include all arguments that are pertinent to the issue being appealed. Irrelevant arguments need not be included.)

Finding of Facts

(Absolutely necessary. Clearly state the relevant facts. All statements must be supported by program documents, program procedure, testimony, transcripts, etc. Cite the source, whether documentary evidence or verbal testimony, that the reviewing authority relied upon to make the finding of fact.)

Analysis

(Conclusions drawn from available facts and program provisions. Analyze the facts and address the appellant’s arguments. Must be based on applicable program provisions. Cite the program provisions (handbook procedure and/or regulation) that are used and applicable.)

Determination

(Specifically state the determination in this section, cite the regulatory or program procedure authority for the determination and specify the program consequences of the determination.

If you still believe this decision is incorrect, you have the following options:

Appeal to the State Committee (STC)

You may appeal the County Committee’s decision to the State Committee by filing a written request not later than 30 calendar days after the date of this notice in accordance with the FSA appeal procedures found at 7 CFR Part 780. If you appeal to the State Committee, you have the right to an informal hearing which you or your representative may attend either personally or by telephone. If you choose to appeal to the State Committee, you may later appeal the determination of the State Committee to NAD. If you appeal to the State Committee, you waive your right to reconsideration. To appeal, write to the State Committee at the following address and explain why you believe this determination is erroneous.

Oklahoma State FSA Committee
100 USDA Suite 102
Stillwater, OK 74074
Phone: 405-742-1131
Fax: 405-742-1177

Alternative Dispute Resolution (ADR)

Mediation through the Oklahoma Agriculture Mediation Program is available as part of FSA's informal appeal process. Mediation may enable us to narrow the issues and resolve the matter by mutual agreement. If you request mediation, the running of the time period in which you may file an appeal stops. When mediation closes, the clock restarts and you will have the balance of the days remaining in that period to file an appeal. To request mediation, you must submit your written request not later than 30 calendar days after the date of this notice. To request mediation, write to the Oklahoma Agriculture Mediation Program at the following address and provide a copy to FSA.

Dr. Mac McCrory, Director
Oklahoma Agriculture Mediation Program
2323 West 7th Street, Suite 2
Stillwater, OK 74074
Telephone: 405-377-0033, Toll Free #: 800-248-5465
Fax: 405-377-1048

In the alternative, you may seek another acceptable form of ADR.

Appeal to the Department of Agriculture National Appeals Division (NAD)

You may appeal this determination directly to the National Appeals Division (NAD) by filing a written request not later than 30 calendar days after the date you receive this notice in accordance with the NAD appeal procedures found at 7 CFR Part 11. If you appeal to NAD, you have the right to a hearing which you and/or your representative may attend. Once a hearing with NAD begins, you waive any rights you might have to reconsideration, appeal to State Committee or mediation. To appeal, you must write to NAD at the following address, explain why you believe this determination is erroneous and provide a copy to FSA. You must personally sign your written appeal to NAD and include a copy of this letter.

Office of the Area Supervisor
National Appeals Division, Western Region
755 Parfet Street, Suite 494
Lakewood, CO 80215-5599
Telephone: 303-236-2862, Toll Free #: 800-541-0483
TDD: 800-497-0253
Fax: 303-236-2820

If you do not exercise timely one of the preceding options, this shall be the final administrative determination with respect to this matter in accordance with the regulations at 7 CFR Part 780 and 7 CFR Part 11.

USDA regulations prohibit discrimination in USDA programs because of your race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, disability; or because all or part of your income is derived from any public assistance program; or because you have filed a program complaint, participated in any program complaint proceeding, or opposed a prohibited practice.

If you believe that you have been discriminated against for any of the reasons stated above, you may file a complaint with the Director, Office of Civil Rights, United States Department of Agriculture, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410.

Sincerely,

(Insert signature and title of decisionmaker)

**Letter for Notifying Applicants, Lenders, Holders, and Borrowers That Mediation Did Not
Result in Resolution of Issues When Decision Was Made by the Servicing Official**

Last updated 6/29/04

(Letterhead and County Office Address)

DATE:

(Inside address)

Dear *(insert name)*:

We have been notified by the Oklahoma Agriculture Mediation Program that your mediation has been closed.

(Insert all specific facts and reasons for the adverse decision with appropriate regulatory references. These must be the same reasons listed in the original decision letter. Indicate which issues were resolved and which ones remain unresolved.)

If you still believe our decision is erroneous, you have the right to appeal.

Appeal to the Department of Agriculture National Appeals Division (NAD)

You may appeal this determination directly to the National Appeals Division (NAD) by filing a written request no later than the balance of days remaining from the initial 30 calendar days after the date you received the initial determination letter in accordance with the NAD appeal procedures found at 7 CFR Part 11. If you appeal to NAD, you have the right to a hearing which you and/or your representative may attend. To appeal, you must write to NAD at the following address, explain why you believe this determination is erroneous and provide a copy to FSA. You must personally sign your written appeal to NAD and include a copy of this letter.

Office of the Area Supervisor
National Appeals Division, Western Region
755 Parfet Street, Suite 494
Lakewood, CO 80215-5599
Telephone: 303-236-2862, Toll Free #: 800-541-0483
TDD: 800-497-0253
Fax: 303-236-2820

If you do not exercise this option timely, this shall be the final administrative determination with respect to this matter in accordance with the regulations at 7 CFR Part 780 and 7 CFR Part 11.

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, or age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with this law is the Federal Trade Commission, Equal Credit Opportunity, Washington, DC 20580.

USDA regulations prohibit discrimination in USDA programs because of your race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, disability; or because all or part of your income is derived from any public assistance program; or because you have filed a program complaint, participated in any program complaint proceeding, or opposed a prohibited practice.

If you believe that you have been discriminated against for any of the reasons stated above, you may file a complaint with the Director, Office of Civil Rights, United States Department of Agriculture, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410.

Sincerely,

(Insert signature and title of Decision Maker)

**Letter Notifying Applicants That Mediation or ADR Did Not Result in Resolution of Issues
When Decision Was Made by COC**

Last Updated 6/29/04

(Letterhead & County Office Address)

DATE:

(Insert Inside Address)

Dear *(insert name)*:

We have been notified by the Oklahoma Agriculture Mediation Program that your mediation has been closed.

(Insert all specific facts and reasons for the adverse decision with appropriate regulatory references. These must be the same reasons listed in the original decision letter. Indicate which issues were resolved and which ones remain unresolved.)

If you still believe our decision is erroneous, you have the right to appeal.

Appeal to the State Committee (STC) (If Appellant Has Not Previously Exercised this Option)

You may appeal the County Committee’s decision to the State Committee by filing a written request not later than the balance of days remaining from the initial 30 calendar days after the date you received the initial determination letter in accordance with the NAD appeal procedures found at 7 CFR Part 11. If you appeal to the State Committee, you have the right to an informal hearing which you or your representative may attend either personally or by telephone. If you choose to appeal to the State Committee, you may later appeal the determination of the State Committee to NAD. To appeal, write to the Oklahoma State FSA Committee at the following address and explain why you believe this determination is erroneous.

Oklahoma State FSA Committee
100 USDA Suite 102
Stillwater, OK 74074
Phone: 405-742-1131
Fax: 405-742-1177

Appeal to the Department of Agriculture National Appeals Division (NAD)

You may appeal this determination directly to the National Appeals Division (NAD) by filing a written request not later than the balance of days remaining from the initial 30 calendar days after the date you received the initial determination letter in accordance with the NAD appeal procedures found at 7 CFR Part 11. If you appeal to NAD, you have the right to a hearing which you and/or your representative may attend. Once a hearing with NAD begins, you waive any rights you might have to reconsideration, appeal to State Committee or mediation. To appeal, you must write to NAD at the following address, explain why you believe this determination is erroneous and provide a copy to FSA. You must personally sign your written appeal to NAD and include a copy of this letter.

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National Appeals Division, Western Region
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Telephone: 303-236-2862, Toll Free #: 800-541-0483
TDD: 800-497-0253
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If you do not exercise timely one of the preceding options, this shall be the final administrative determination with respect to this matter in accordance with the regulations at 7 CFR Part 780 and 7 CFR Part 11.

USDA regulations prohibit discrimination in USDA programs because of your race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, disability; or because all or part of your income is derived from any public assistance program; or because you have filed a program complaint, participated in any program complaint proceeding, or opposed a prohibited practice.

If you believe that you have been discriminated against for any of the reasons stated above, you may file a complaint with the Director, Office of Civil Rights, United States Department of Agriculture, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410.

Sincerely,

(Insert signature and title of Decision Maker)

**Letter Notifying Applicants, Lenders, Holders, and Borrowers of Adverse Decisions That Are
Not Appealable**

Last Updated 6/29/04

(Letterhead & County Office Address)

DATE:

(Inside address)

Dear (*insert name*):

We are (*denying your application for _____*) (*canceling*) (*reducing*) your current assistance). Our decision is based on the following factual determination and reasons:

(*Insert all specific facts and reasons for the adverse decision, with appropriate regulatory references.*)

The Agency has determined this issue is not appealable. You may seek a review of this determination by filing a written request with the NAD Director not later than 30 calendar days after the date you receive this notice in accordance with the NAD appeal procedures found at 7 CFR Part 11. If you believe that this issue is appealable, you must write to the NAD Director at the following address, personally sign the request, and explain why you believe this determination is appealable. Please provide to FSA a copy of your request for an appealability review.

Office of the Area Supervisor
National Appeals Division
Western Regional Office
755 Parfet Street, Suite 494
Lakewood, CO 80215-5599
Telephone: 303-236-2862, Toll Free #: 800-541-0483
TDD: 800-497-0253
Fax: 303-236-2820

If you do not request a review timely, this shall be the final administrative determination with respect to this matter in accordance with the regulations at 7 CFR Part 780 and 7 CFR Part 11.

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, or age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant’s income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with this law is the Federal Trade Commission, Equal Credit Opportunity, Washington, DC 20580.

USDA regulations prohibit discrimination in USDA programs because of your race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, disability; or because all or part of your income is derived from any public assistance program; or because you have filed a program complaint, participated in any program complaint proceeding, or opposed a prohibited practice.

Exhibit 7

If you believe that you have been discriminated against for any of the reasons stated above, you may file a complaint with the Director, Office of Civil Rights, United States Department of Agriculture, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410.

Sincerely,

(Insert signature and title of Decision Maker)

**Letter Notifying Applicants of Adverse Decisions That Are Not Appealable –
COC Decisions**

Last Updated 6/29/04

(Insert Letterhead and County Office Address)

DATE:

(Inside address)

Dear *(insert name)*:

We are *(denying your application for _____) (CRP benefits, PFC contract, etc.)*. Our decision is based on the following factual determination and reasons:

(Insert, as applicable, "I have," "The COC has", or "The STC has") determined this issue is not appealable. You may seek a review of this determination by filing a written request with the NAD Director no later than 30 calendar days after the date you receive this notice in accordance with the NAD appeal procedures found at 7 CFR Part 11. If you believe that this issue is appealable, you must write to the NAD Director at the following address, personally sign the request, and explain why you believe this determination is appealable. Please provide to FSA a copy of your request for an appealability review.

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National Appeals Division
Western Regional Office
755 Parfet Street, Suite 494
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Telephone: 303-236-2862, Toll Free #: 800-541-0483
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Fax: 303-236-2820

If you do not request a review timely, this shall be the final administrative determination with respect to this matter in accordance with the regulations at 7 CFR Part 780 and 7 CFR Part 11.

USDA regulations prohibit discrimination in USDA programs because of your race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, disability; or because all or part of your income is derived from any public assistance program; or because you have filed a program complaint, participated in any program complaint proceeding, or opposed a prohibited practice.

If you believe that you have been discriminated against for any of the reasons stated above, you may file a complaint with the Director, Office of Civil Rights, United States Department of Agriculture, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410.

Sincerely,

(Insert signature and title of Decision Maker)

Letter for Notifying Borrowers of Amount of Shared Appreciation Due

Last Updated 6/29/04



United States
Department of
Agriculture

Farm
Service
Agency

DATE:

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

(Inside Address)

Dear (insert name):

This letter is to notify you that the Shared Appreciation Agreement (SAA) that you executed on (date of SAA) (copy enclosed) has now become due for the following reason(s):

(Insert appropriate reasons(s))

- *Sale or conveyance of any or all of the real estate security.*
- *Repayment and/or satisfaction of your loans.*
- *You have ceased your farming operation.*
- *Your promissory notes and/or assumption agreements have been accelerated.*
- *The Shared Appreciation Agreement will mature on (insert date).*

The Agency has completed a current appraisal on the real estate that secures the Shared Appreciation Agreement. Based on the current market value of the property, we have determined that the property has appreciated in the amount of (difference between original appraisal and current real estate appraisal).

The attached worksheet, Exhibit D-1 to FmHA Instruction 1951-S, "Calculation of Shared Appreciation Agreement", indicates that the amount of shared appreciation due Farm Service Agency is (amount from Step 4, 5, 6, or 7).

(Insert appropriate paragraph)

- *Please remit \$_____ (amount from Step 4,5,6, or 7) by (anniversary date of SAA or 30 days from receipt of this letter) payable to the Farm Service Agency (FSA). If you intend to continue your farming operation and continue with your FSA loans and cannot pay any portion of the amount due under this Agreement, you may request the Farm Service Agency to amortize the amount due under this Agreement, you may request the Farm Service Agency to amortize the amount due on non-program rates and terms as a Shared Appreciation (SA) loan. You must request the Agency to consider you for amortization of the shared appreciation amount within 30 days from the receipt of this letter. You will need to show that you are unable to pay or borrow sufficient funds to pay the amount due. Also, you will need to show that you will have sufficient resources to meet all obligations including your existing FSA debt and the payment on the new SA loan.*
- *We have determined that on (date of sale of all security, date loans were paid in full, or date that the borrower ceased farming) the appreciation became due and payable. Please immediately remit \$_____ (amount from Step 4, 5, 6, or 7) payable to the Farm Service Agency.*
- *The Agency has accelerated your account which has caused the shared appreciation to become due and payable. Please immediately remit \$_____ (amount from Step 4, 5, 6, or 7) payable to the Farm Service Agency. If you do not pay the appreciation now due, the Agency intends to seek collection from the liquidation of the security that you pledged to FSA.*

- We have determined that on *(date of sale of security)* that you partially liquidated the real estate security that secured your Shared Appreciation Agreement. Please immediately remit \$_____ *(amount from Step 4, 5, 6, or 7)* payable to the Farm Service Agency. If you intend to continue your farm operation and continue with your FSA loans, and sufficient proceeds from the sale were not available, you may request the Farm Service Agency to amortize the amount due on the non-program rates and terms as a Shared Appreciation loan. You must request the Agency to consider you for amortization of the shared appreciation amount within 30 days from the receipt of this letter. You will need to show that you are unable to pay or borrow sufficient funds to pay the amount due. Also, you will need to show that you will have sufficient resources to meet all obligations including your existing FSA debt and the payment on the new SA loan.

If you believe our decision is wrong, you have the following options:

Reconsideration

You may request a copy of the *(real estate/chattel)* appraisal used in our decision. We will provide you with a copy within five days of your request. If you would like to discuss the appraisal, or you believe there are errors, including mathematical or property description errors in the appraisal, you should request reconsideration. If you want this option, write to *(insert local office mailing address)*. Your written request must be received or postmarked no later than *(insert date for 30 calendar days from the date of this letter)*. Provide any new information, documentation, or possible options with your request. You may bring a representative, including a lawyer, to any meeting we have. If you do not request reconsideration by *(insert date for 30 calendar days from the date of this letter)* you waive your right to this option.

Independent Technical Appraisal Review

If you believe the *(real estate/chattel)* appraisal FSA obtained is incorrect for reason other than those stated above, you may obtain an independent technical appraisal review. The issue under reconsideration will be whether FSA's *(real estate/chattel)* appraisal is consistent with the Uniform Standards of Professional Appraisal Practice. If you want this option, you must include a copy of the independent technical appraisal review, or notify this office of your intent to obtain an independent technical appraisal review, in your request for reconsideration. You must pay to obtain a current independent technical appraisal review from a qualified appraiser. The appraiser and the independent technical appraisal review must meet the standards contained in FSA regulations. You may request a copy of the regulations from this office. If you cannot find a qualified appraiser to conduct the independent technical appraisal review, a list of qualified appraisers is available in this office.

If you do not submit an independent technical appraisal review or notify us of your intent to obtain one, you waive your right to have us reconsider the appraisal. If you submit an independent technical appraisal review, we will determine whether the appraiser and the independent technical appraisal review meet FSA requirements. If the independent technical appraisal review meets FSA requirements, we will consider all comments contained in the independent technical appraisal review and determine if the appraisal obtained by FSA should be revised.

If you choose not to obtain an independent technical appraisal review, you may appeal the appraisal directly to the National Appeals Division (NAD).

Appeal to the Department of Agriculture National Appeals Division (NAD)

You may appeal this determination to NAD by filing a written request not later than 30 calendar days after the date you receive this notice in accordance with the NAD appeal procedures found at 7 CFR Part 11. If you appeal to NAD, you have the right to a hearing which you and/or your representative may attend. Once a hearing with NAD begins, you waive any rights you might have to reconsideration or to obtain and independent appraisal technical review. To appeal, you must write to NAD at the following address, explain why you believe this determination is erroneous, and provide a copy to FSA. You must personally sign your written appeal to NAD and include a copy of this letter.

Office of the Area Supervisor
National Appeals Division
Western Regional Office
755 Parfet Street, Suite 494
Lakewood, CO 80215-5599
Telephone: 303-236-2862, Toll Free #: 800-541-0483
TDD: 800-497-0253
Fax: 303-236-2820

If you do not exercise timely one of the preceding options, this shall be the final administrative determination with respect to this matter in accordance with the regulations at 7 CFR Part 780 and 7 CFR Part 11.

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, or age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with this law is the Federal Trade Commission, Equal Credit Opportunity, Washington, DC 20580.

USDA regulations prohibit discrimination in USDA programs because of your race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, disability; or because all or part of your income is derived from any public assistance program; or because you have filed a program complaint, participated in any program complaint proceeding, or opposed a prohibited practice.

If you believe that you have been discriminated against for any of the reasons stated above, you may file a complaint with the Director, Office of Civil Rights, United States Department of Agriculture, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410.

Sincerely,

(Insert signature and title of Decision Maker)

Attachments:

Shared Appreciation Agreement(s) (Exhibit D to FmHA Instruction 1951-S)

Calculation of Shared Appreciation Agreement (Exhibit D-1 to FmHA Instruction 1951-S)