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United States
Department of
Agriculture

Farmers
Home
Administration

Washington
D.C.
20250

FmHA AN No. 2526 (1900)

April 27, 1992

SUBJECT: Information to Use in Implementing
Reversed Appeal Decisions

TO: State Directors, District Directors, and
County Supervisors

PURPOSE/INTENDED OUTCOME

The purpose of this AN is to inform decision makers that they cannot request or use updated information in the implementation of reversed appeal decisions.

The intended outcome is to meet the requirements of FmHA Instructions and speed the implementation of such decisions.

ORIGINAL INFORMATION MUST BE USED IN IMPLEMENTATION

FmHA Instruction 1900.59(a) requires that, "When an appeal is concluded, the effective date of the action to be taken will be the date of the initial decision from which the appeal was taken."

Therefore, once a case is returned for implementation, the Agency may not require that additional or updated information be provided by the appellant or considered by the decision maker in implementing the hearing officer's or review officer's decision. Neither should additional information from any other source be used in implementation.

There are only three exceptions to this rule: (1) If additional information is introduced by the appellant during the appeal process, and accepted by the hearing or review officer, this information should also be considered in implementation. (2) If the appeal decision letter specifically states that updated or revised information is to be used, that requirement should be followed. (3) If intervening statutory changes prevent implementation using the original information. The Office of the General Counsel should be consulted in such cases.

FmHA Instruction 1900.59(a) further requires that "regulations in effect on the effective date will govern the action." The interest rate on a loan made as the result of an appeal must be the rate in effect for that type of loan on the date of loan approval or of loan closing, whichever is lower.

EXPIRATION DATE:
April 30, 1993

FILING INSTRUCTIONS:
Preceding FmHA Instruction 1900-B



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Any questions should be directed to Gene Christie, Office of the
Deputy Administrator for Program Operations, at 202/FTS 720-2564.



LA VERNE AUSMAN
Administrator