



United States  
Department of  
Agriculture

Farmers  
Home  
Administration

Washington  
D.C.  
20250

AN No. 2094 (1900)

May 21, 1990

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**SUBJECT:** Agency Review of Appeal Decisions

**TO:** State Directors, District Directors  
and County Supervisors

PURPOSE/INTENDED OUTCOME:

The purpose of this AN is to emphasize the importance of prompt action if the new Agency appeal review process is to be effective.

COMPARISON WITH PREVIOUS AN:

None.

IMPLEMENTATION RESPONSIBILITIES:

§1900.61 of FmHA Instruction 1900-B provides for Agency review of appeal decisions only when implementation of the decision will result in violation of a law or regulation or will result in the appellant's obtaining unauthorized assistance. Unless the decision you wish to have reviewed falls within one of these guidelines, no review may be requested by the Assistant Administrator.

It is the responsibility of the decision maker and the State Director to ensure that a request for review is received by the Assistant Administrator in sufficient time to allow such a request to be reviewed and forwarded to the National Appeals Staff (NAS) within 9 working days after the decision maker receives copy of the hearing officer's decision to the appellant. If you have a case in which you recommend exercise of the Agency review right, you should telefax a memorandum to the appropriate program Assistant Administrator, outlining the facts in the case and clearly stating how it fits into one of the reviewable categories. The corresponding case file should be forwarded by Express Mail for overnight delivery to the same addressee.

Time is very critical in these cases--9 working days from the date the decision letter is received by the decision maker. This leaves no slack time for taking action. Recommendations, with file, must be in the

**EXPIRATION DATE:** April 30, 1991

**FILING INSTRUCTIONS:**  
Preceding FmHA  
Instruction 1900-B



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Secretary of Agriculture, Washington, D.C. 20250

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National Office in time to allow for review and delivery to NAS, if determined appropriate, within the 9 working days. States should make every effort to allow at least 4 working days for the National Office review. Since FmHA Instruction 1900-B does not provide for a copy of the decision to the State Director when he/she is not the decision maker, it is imperative that decision makers in District and County Offices initiate their requests as soon as they receive the decisions.



LA VERNE AUSMAN  
Administrator

Sent by Time Delay Option to States at 11:00 am on 5/22/90; to Districts at 1:00pm on 5/22/90; and to Counties at 3:00 pm on 5/22/90 by ASD.