



FmHA AN No. 1852 (1951)

January 12, 1989

SUBJECT: Hearing Officers for Salary Offset

TO: All State Directors, District Directors,  
and County Supervisors, FmHA

Purpose/Intended Outcome:

To establish an alternative manner of obtaining a hearing officer for salary offset appeals.

Comparison with Previous AN:

AN Number 1665 (1951) dated October 28, 1987, now expired, provided a Memorandum of Understanding (MOU) which State Directors could use to arrange for a hearing officer to hear salary offset appeals.

Implementation Responsibilities:

Farmers Home Administration (FmHA) Instruction 1951-C requires that an appeal of a proposed salary offset be heard by a hearing officer who is either an Administrative Law Judge (ALJ) or someone who is not an employee of the United States Department of Agriculture (USDA). An ALJ is normally unavailable to handle a salary offset appeal in a timely manner. Many State Directors have been successful in obtaining a MOU with a non-USDA Federal agency and this approach will probably continue to provide the borrower and FmHA with the quickest resolution of an appeal.

The USDA Office of Finance and Management (OFM) has recently established an agreement with the Financial Management Service of the Department of the Treasury to provide salary offset hearing officers for each other. Requests for this service should be sent by the State Director to the Director, Financial and Management Analysis Staff (FMAS).

EXPIRATION DATE: January 31, 1990

FILING INSTRUCTIONS:  
Preceding FmHA Instruction 1951-C



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The borrower's case file, a copy of the FmHA Form Letter 1951-4 sent to the employee advising him/her of the intent to offset and copies of the borrower's request for a hearing with any attachment should also be provided. The FMAS Director will coordinate the request for a hearing with OFM and Treasury. The hearing will normally be based upon a review of the written submissions and documentation provided by the borrower and FmHA. Oral hearings may be conducted by a conference telephone call.

Questions should be referred to Jeanne Hudac at FTS 382-8356 or 202-382-8356.



NEAL SOX JOHNSON  
Acting Administrator