

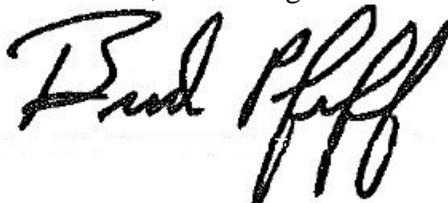
UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

Finality Rule and Equitable Relief
7-CP (Revision 4)

Amendment 4

Approved by: Acting Deputy Administrator, Farm Programs



Amendment Transmittal

A Reasons for Amendment

Subparagraphs 16 B, 41 A, 44 B, 45 B, and 48 A have been amended to incorporate updated regulatory language consistent with an FR amendment on July 16, 2015 (80 FR 41998). The amendment applies to **all** decisions made for issues or actions without regard to date of issue because the regulatory changes were a clarification and **not** a change in policy about finality or relief.

Subparagraph 16 C has been removed because the content was no longer applicable.

Subparagraph 17 A has been amended to add a note.

Subparagraph 17 B has been amended to instruct offices that if a payment has not been issued before an error was discovered, finality does **not** apply.

Subparagraph 17 C has been amended to update the example and provide clarification on payments not yet issued.

Subparagraph 18 B has been amended to update the example.

Subparagraph 19 B has been amended to clarify applicability of finality.

Subparagraph 22 C has been amended to clarify a situation for NAP coverage.

Subparagraph 41 A has been amended to provide additional examples of issues for which equitable relief provisions are **not** applicable.

Subparagraph 45 C has been amended to clarify when failure to fully comply provisions apply to equitable relief.

Amendment Transmittal (Continued)

Page Control Chart		
TC	Text	Exhibit
	2-1 through 2-6 2-9, 2-10 2-13, 2-14 3-1, 3-2 3-5, 3-6 3-9, 3-10 3-15, 3-16	1, pages 1, 2

Part 2 Finality Rule

16 Finality Rule General Information

A Overview

The finality rule provisions, including exceptions, apply to COC and STC decisions on applications filed by participants. Finality may occur when, because of some error, an incorrect or improper payment was inadvertently issued to a participant. Provided criteria in paragraph 17 apply, the recipient of the unintended or erroneous payment may be able to retain or keep the amount disbursed in error.

Sometimes, innocent mistakes result in overpayments. If the FSA decision or program payment was in any way the result of erroneous information provided by the participant, even innocently provided erroneous information, the participant is likely not entitled to retain unearned payments.

A decision on applicability of the finality rule in no way is a decision assigning responsibility for error or deciding “fault”. Finality applies only as a result of the passage of time and only if there are **no** exceptions to its application. See subparagraph B.

B Regulatory Language

*--[7 CFR 718.306] Finality.

- (a) **A determination by an FSA State or county committee (or employee of such committee) becomes final on an application for benefits and binding 90 days from the date the application for benefits has been filed, and supporting documentation required to be supplied by the producer as a condition for eligibility for the particular program has been filed, unless any of the following exceptions exist:**
- (1) **The participant has requested an administrative review of the determination in accordance with part 780 of this chapter;**
 - (2) **The determination was in any way based on erroneous, innocent, or purposeful misrepresentation; false statement; fraud; or willful misconduct by or on behalf of the participant;**
 - (3) **The determination was modified by the Administrator, FSA, or in the case of CCC programs conducted under Chapter XIV of this title, the Executive Vice President, CCC; or**
 - (4) **The participant knew or had reason to know that the determination was erroneous.**
- (b) **Should an erroneous determination become final under the provisions of this section, the erroneous decision will be corrected according to paragraph (c) of this section.--***

16 Finality Rule General Information (Continued)

B Regulatory Language (Continued)

- *--(1) If, as a result of the erroneous decision, payment was issued, no action will be taken by FSA, CCC, or a State or county committee to recover unearned payment amounts unless one or more of the exceptions in paragraph (a) of this section applies;**
- (2) If payment was not issued before the error was discovered, the payment will not be issued. FSA and CCC are under no obligation to issue payments or render decisions that are contrary to law or regulation.**
- (c) FSA and CCC will modify and correct determinations when errors are discovered. As specified in paragraph (b) of this section, FSA or CCC may be precluded from recovering unearned payments that issued as a result of the erroneous decision. FSA or CCC's inability to recover or demand refunds of unearned amounts as specified in paragraph (b) will only be effective through the year in which the error was found and communicated to the participant.--***

* * *

C Relation to Other Requirements

The finality rule does **not** supersede other requirements or preclude adverse decisions based on compliance determinations or activities.

Example: A NAP participant was issued a payment based on an application for payment that was later pulled for a compliance review. On review, FSA learned the participant overstated acreage. The participant cannot retain unearned payments that are the result of incorrect or inaccurate representation later discovered to be inaccurate by FSA.

Even if finality applies, the County Office must follow established procedure for correcting errors.

D Approval Authority

SED has final authority to:

- disapprove all cases

Note: The producer will be given appeal rights according to 1-APP, if SED does **not** approve FSA-321.

- approve cases for which the actual or projected dollar amounts considered to be in error do **not** exceed \$25,000.

16 Finality Rule General Information (Continued)

D Approval Authority (Continued)

Cases exceeding SED authority must be submitted to DAFP if approval is recommended by SED.

Notes: If SED has authority to grant relief on a particular case that is similar to another case that is also currently being contemplated or considered, but requires a decision by DAFP (cases exceeding \$25,000), SED will take no action on the case under their authority until DAFP makes a determination.

If the finality rule applies to a case, that case must be approved for the full amount, subject to the program's payment limitation. Partial approval is **not** available under the finality rule.

17 When Finality Rule Applies

A COC and STC Determinations

The finality rule applies only to determinations for covered programs made by COC's, STC's, or their representatives. This includes, but is not limited to, the following:

- decisions about program payments containing overpayments or incorrect amounts
- documented decisions by COC, STC, or their employees
- calculation errors that are subsequently approved.

***--Notes:** See subparagraph 16 B for exceptions to finality.--*

See paragraphs 20 through 22 for guidance about specific programs.

B Application for Benefits

The finality rule applies only to payments and overpayments resulting from a COC or STC (or COC or STC representative) decision that is related to an application for benefits. The finality rule does **not** apply to the following:

- contract or loan provisions or ramifications
- information or advice of FSA representatives that is **not** a program decision
- mediation agreements
- decisions of FSA National Office officials and SED's
- decisions of RMA or reinsured companies, NRCS, FS, CMA's, DMA/LSA, or any technical service provider
- contract LA findings or conclusions

17 When Finality Rule Applies (Continued)

B Application for Benefits (Continued)

- functions performed under the Consolidated Farm and Rural Development Act, Section 376, as amended, for FLP's
- payments that were not issued before the error was discovered (subparagraph 16 B).

C Subsequent Year Determination

Should a determination have multi-year consequences, such as multi-year applications or base acres, the finality rule only applies to overpayments incidental or through the year in which the error was found and communicated to the participant.

Example: An error in establishing base acres on a farm is discovered more than 90 calendar days after CCC-861 is approved. The participant is determined to not have any reason to suspect or know of the error. The base acres are corrected effective immediately and the participant is afforded the opportunity to re-enroll. Payments issued in error for the year that the error was discovered may be retained by the participant. However, if payments had not yet issued before the error was discovered, FSA will **not** issue the incorrect payments; further, subsequent year benefits, and any other program benefit that could arise following communication of the error to the participant, will be limited to correct base acres.

D Notification of Error

Employees and offices must **not** delay notifying participants of errors in applications or decisions for a determination on the possible application of **either** of the following:

- equitable relief, under any available relief authority
- finality.

As soon as an error is discovered that has resulted or could potentially result in an overpayment, FSA offices will do the following:

- immediately provide the participant with written notification of the error or mistake and advise that overpayments have been or could be determined, as applicable

Note: The notification of error should be in writing and documented; however, if the notification of error or possible error is verbal, then the employee providing the notice will document:

- what was conveyed
- to whom notification was provided
- when and how it was provided.
- advise the participant that FSA will provide the participant with a written decision about the results of any determination made relative to the error or mistake.

17 When Finality Rule Applies (Continued)

D Notification of Error (Continued)

A participant will be considered to be put on notice of errors or mistakes upon receipt of any information about the error or mistake. This information may be important for finality purposes in determining whether more than 90 calendar days has passed since the date of application before the participant was advised of potential error or mistake.

Employees and offices who fail to follow the provisions of this subparagraph could be subject to disciplinary action.

E Nonfinal Determinations

The finality rule does **not** apply if a determination is not considered final. Preliminary determinations or determinations that involve issuing advance payments are **not** subject to the finality rule. A determination will **not** be considered final if any of the following apply:

- error is discovered and communicated to the participant within 90 calendar days after the application for benefits, including any required supporting documents, has been filed

Note: See subparagraph D for further information.

- determination has been appealed
- determination has been modified by the FSA Administrator or the Executive Vice-President of CCC
- individual program provisions or forms provide that the determination is a preliminary determination.

F Documenting Inapplicability of Finality

COC will document in COC minutes and on FSA-321 when finality does **not** apply to an overpayment that has been disbursed. See Exhibit 5.

18 Exceptions to Finality Rule

A Regulatory Exceptions

Four exceptions to the finality rule are provided under 7 CFR 718.306(a) and subparagraph 16 B.

18 Exceptions to Finality Rule (Continued)

B Clean Hands Provision

For the finality rule to apply to a COC or STC (or COC or STC representative) decision, the participant must have clean hands with respect to the application and subsequent COC or STC decision. See Exhibit 2 for the definition of “clean hands”.

The finality rule is made inapplicable by exception if an erroneous determination is based on incorrect information, mistakes, erroneous data, or wrongdoing by or on behalf of the participant, even if the participant was not aware, at the time of their application, that the information or data was false. An exception to the finality rule occurs and makes finality inapplicable if any of the following occur in the application:

- intentional or unintentional false statement
- fraud
- misrepresentation, whether purposeful or innocent
- willful misconduct.

Example: An individual received payment based on his or her representation that he or she *--was a tenant on a farm participating in ARCPLC or some other program. If--* FSA later discovers that this representation was inaccurate, the individual is **not** protected from overpayment liability under the finality rule. This is true even if it took FSA more than 90 calendar days to determine that the representation was inaccurate.

Note: There is no “fault” provision involved in finality. Overpayments do not have to be the fault of a participant for an exception to apply. If FSA’s decision to pay money is in any way related to an incorrect representation or inaccurate certification of the participant, the participant cannot retain the unearned payment under finality.

C Reason to Know

A key test for application of the finality rule to a COC or STC (or COC or STC representative) decision is whether the participant (not FSA) had any reason to know that the FSA decision was in error. See Exhibit 2 for the definition of “reason to know”.

Note: Paragraphs 20 through 22 contain some instructions and examples of finality applicability or inapplicability. These situations and examples are illustrative only and are neither exhaustive nor determinative. Except as provided in this paragraph, for any COC or STC (or COC or STC representative) decision, offices will follow paragraphs 16 and 17.

19 Finality Rule Required Action (Continued)

B Action When Payment Has Not Been Disbursed

The following table provides instructions in situations when a benefit or payment resulting from an erroneous determination has **not** been disbursed and more than 90 calendar days have passed since the determination became final.

Step	Action
1	Do not disburse the incorrect payment amount to the participant.
2	Document each case in COC or STC minutes, as applicable. Do not complete FSA-321 for the participant.
3	Compute the correct payment, if any, according to the applicable program procedure.
4	Disburse the payment, if any, for the correct amount only. If the participant was notified, in writing, of the determination before the error was discovered, send a letter to the participant: <ul style="list-style-type: none"> • describing the error in the previous determination • explaining why the error is being corrected • informing the participant of their appeal rights according to 1-APP.
5	Place the County Office copy of the letter in the applicable folder.

***--Note:** If an incorrect determination has been made but has not been issued to the participant, the participant does **not** need to be notified by letter of the inapplicability of the finality rule. Finality only applies to determinations that actually were issued and then only when payments have already been issued.--*

20 Disaster Guidelines

A When Finality Rule Applies

There can be situations specific to the filing of an application for disaster benefits when the finality rule may apply. The examples, which are merely laid out here hypothetically for illustration purposes and are not determinative, include but are not limited to, instances when:

- disaster payment or extent of eligibility was based on incorrect:
 - prices in FSA’s database that are **not** available to the participant in some form, such as the application calculation worksheet or other media or document

20 Disaster Guidelines (Continued)**A When Finality Rule Applies (Continued)**

- figures or data that were entered into the automated system that were **not** available or evident to the participant
- county average or some other general, nonindividual yield
- correct production evidence was incorrectly used or entered into the system and not otherwise apparent to the participant
- producer provided correct information on a disaster event on the application and even though the loss was not because of an eligible disaster event or cause of loss under the program, both of the following apply:
 - claimed event occurred exactly as claimed by the participant
 - participant had no reason to question or know that the claimed event either:
 - was an ineligible cause of loss
 - failed to cause the loss.

B Effective Date

The effective date to begin counting the 90 calendar days for finality is the date at which all of the following documentation has been filed by the producer:

- program application and any required documentation
- AD-1026
- CCC-502's, CCC-902's, CCC-931, CCC-933, or other program documents required for payment issuance.

21 CCC Loans and LDP Guidelines (Continued)

D When Finality Rule Does Not Apply (Continued)

WHEN...	THEN the finality rule does not apply because...
producer received a loan or LDP, but was later determined ineligible because: <ul style="list-style-type: none"> • of a program violation committed by the producer • it was discovered that the producer was a nonresident alien 	the finality rule does not supersede other requirements. See subparagraph 16 D.
producer received a loan or LDP based on the producer’s certification that beneficial interest was retained, and FSA later determines that the producer did not retain beneficial interest	<ul style="list-style-type: none"> • the producer knew or had reason to know that their certification was inaccurate (subparagraph 18 C) • the determination was based on incorrect information provided by the producer (subparagraph 18 B). <p>Note: This may be considered a misrepresentation.</p>
the quality of the commodity delivered to CCC for settlement of loan results in deficiency due CCC	the producer is responsible for the quality and maintaining the condition of the commodity. The finality rule does not supersede other requirements. See subparagraph 16 D.

22 NAP Guidelines

A When Finality Rule Applies

There are a number of situations when the finality rule may apply to COC or STC (or COC or STC representative) NAP decisions. They include, but are not limited to, situations where none of the exceptions in paragraph 18 exist and:

- an FSA representative calculated NAP payments for the crop using incorrect payment factors, such as “prevented planting”, “planted but not harvested”, or “harvested”

Note: In this example, the error is in the numeric factor itself, not in whether the acreage was correctly identified as “prevented planting”, “planted but not harvested”, or “harvested”.

- an incorrect payment rate was used to calculate payments.

22 NAP Guidelines (Continued)

B Effective Date

The effective date to begin counting the 90 calendar days for finality, on a decision on NAP benefits, is the date at which all required applications and documentation have been filed by the producer.

Note: See 1-NAP for further information about application for NAP benefits.

C When Finality Rule Does Not Apply

The following table provides some situations when the finality rule does **not** apply.

Note: These situations are **not** exhaustive.

WHEN...	THEN the finality rule does not apply because...
payment was erroneously calculated because not all of the crop's production or acreage was accounted for	the decision was based on misrepresentation or incorrect information provided by the producer. Note: See subparagraph 18 B.
producer received NAP payments and other USDA assistance for the same crop loss	the producer knows or has reason to know: <ul style="list-style-type: none"> • that the producer received other USDA assistance and NAP • of the multiple benefit exclusion provision under NAP. Note: See subparagraph 18 C.
--producer had basic 50/55 NAP coverage and received payment-- with the knowledge that the producer's crop did not suffer more than a 50 percent loss of expected production	the producer knows or has reason to know that NAP benefits cannot be paid if the crop's production loss is 50 percent or less. Notes: See subparagraph 18 C. This may also be considered a misrepresentation.

23-40 (Reserved)

Part 3 Equitable Relief Provisions

41 Applicability of Equitable Relief to Program Decisions

A Covered Programs

*--[7 CFR 718.301] Applicability.

- (a) This subpart is applicable to programs administered by the Farm Service Agency under chapters VII and XIV of this title, except for an agricultural credit program carried out under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), as amended. Administration of this subpart shall be under the supervision of the Deputy Administrator, except that such authority shall not limit the exercise of authority allowed State Executive Directors of the Farm Service Agency as provided for in §718.307.
- (b) Section 718.306 does not apply to a function performed under either section 376 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), or a conservation program administered by the Natural Resources Conservation Service of the United States Department of Agriculture.
- (c) The relief provisions of this part cannot be used to extend a benefit or assistance not otherwise available under law or not otherwise available to others who have satisfied or complied with every eligibility or compliance requirement of the provisions of law or regulations governing the program benefit or assistance.--*

Programs administered by FSA for which equitable relief provisions apply include a participant's not complying with or being determined ineligible under the following:

- price or income support, production or market loss assistance, disaster payment assistance, or revenue protection programs provided to participants under various program rules or authorities
- energy and/or conservation programs.

Equitable relief provisions are **not** applicable to:

- FLP's carried out under the Consolidated Farm and Rural Development Act
- *--requests for awards of damages, such as crop destruction or similar Tort-type claims
- persons seeking benefits or assistance **not** otherwise available under law or **not** otherwise available to others who have satisfied or complied with every eligibility or compliance requirement or regulation.

Example: Producer had NAP coverage, but did **not** suffer a large enough loss to trigger NAP payment eligibility. Relief **cannot** be used to pay the producer because the producer is ineligible because of the level of loss. Relief **cannot** be used to create an eligibility that would **not** exist for others under NAP.--*

41 Applicability of Equitable Relief to Program Decisions (Continued)

B Available Forms of Equitable Relief

[7 CFR 718.305] Forms of relief.

(a) The Administrator of FSA, Executive Vice President of CCC, or designee, may authorize a participant in a covered program to:

- (1) Retain loans, payments, or other benefits received under the covered program;**
- (2) Continue to receive loans, payments, and other benefits under the covered program;**
- (3) Continue to participate, in whole or in part, under any contract executed under the covered program;**
- (4) In the case of a conservation program, re-enroll all or part of the land covered by the program; and**
- (5) Receive such other equitable relief as determined to be appropriate.**

(b) As a condition of receiving equitable relief, the participant may be required to remedy their failure to meet the program requirement, or mitigate its affects.

43 Programmatic Relief

A Overview

DAFP has authority to waive or modify deadlines or other nonstatutory requirements where FSA determines it equitable to do so and where the lateness or failure to meet the program requirement is **not** adverse to the operation or integrity of the program. Unless a specific written delegation has been made by DAFP in either a memorandum or program directive, only DAFP has programmatic relief authority.

Participants have no “right” to seek an exception under this provision. At FSA’s sole discretion, under the authority laid out in the particular regulation governing the program at issue, FSA may or may not choose to exercise discretion to grant programmatic relief.

B Adherence to Individual Program Regulations, Contract Provisions, and Specific Program Directives

Availability of programmatic relief is subject to provisions of the individual program at issue including, but not limited to, the following:

- statute or law authorizing the program
- regulation
- handbooks and notices
- contract or contract appendix
- agreement, application, or program document signed by the participant.

Note: Many individual handbooks issued by DAFP already have programmatic relief provisions incorporated.

C Limitation on Using Programmatic Relief

Programmatic relief cannot be used to usurp or circumvent statute, law, or contract law.

Example: A particular program authorization specifies in law that applications must be received by September 30 to receive approval consideration or payment. Programmatic relief cannot be used to permit consideration for approval of any application received after the end of the application period specified in law.

44 Misaction/Misinformation

A Overview

Equitable relief may be considered and granted according to this paragraph to participants in covered programs that acted or failed to act based on a detrimental reliance on incorrect program information, action, or advice of an authorized FSA representative.

A finding that erroneous action or information of or from an authorized FSA representative may have occurred does **not** necessarily mean that the error warrants extending relief. As provided in subparagraph B, relief under the misaction/misinformation provisions can only apply if there was also a detrimental reliance by a participant and the participant had no reason to know or question that the action or advice of the FSA representative was in error. The provision does **not** apply to cases where a participant acted or failed to act based on the participant's own misunderstanding, lack of information or advice, or assumptions.

Note: The individual responsible for conveying the erroneous program information or who acted wrongly must be identified on FSA-321, item 9B before relief can be considered.

B Regulatory Language

*--[7 CFR 718.303] **Reliance on incorrect actions or information.**

- (a) **Notwithstanding any other law, if an action or inaction by a participant is based upon good faith reliance on the action or advice of an authorized representative of an FSA county or State committee, and that action or inaction results in the participant's noncompliance with the requirements of a covered program that is to the detriment of the participant, then that action or inaction still may be approved by the Deputy Administrator as meeting the requirements of the covered program, and benefits may be extended or payments made in as specified in §718.305.**
- (b) **This section applies only to a participant who:**
- (1) **Relied in good faith upon the action of, or information provided by, an FSA county or State committee or an authorized representative of such committee regarding a covered program;**
 - (2) **Acted, or failed to act, as a result of the FSA action or information; and**
 - (3) **Was determined to be not in compliance with the requirements of that covered program.**
- (c) **This section does not apply to cases where the participant had sufficient reason to know that the action or information upon which they relied was improper or erroneous or where the participant acted in reliance on their own misunderstanding or misinterpretation of program provisions, notices or information.--***

45 Failure to Fully Comply

A Overview

Relief under failure to fully comply provisions is available only to enrolled participants under covered programs who are subject to compliance with the covered program's provisions. These provisions do **not** apply to late-filed applications or failure to meet a signup deadline. Late signups or applications are generally covered under paragraph 43 or in individual program directives and regulations.

Failure to fully comply provisions are intended to allow FSA discretion to consider allowing a participant in a covered program to receive program benefits or reduced program benefits, as determined appropriate by FSA, in consideration of the participant's good faith effort to comply, rendered performance, and severity of the program violation or discrepancy.

B Regulatory Text

*--[7 CFR 718.304] Failure to fully comply.

- (a) **When the failure of a participant to fully comply with the terms and conditions of a covered program precludes the providing of payments or benefits, relief may be authorized as specified in §718.305 if the participant made a good faith effort to comply fully with the requirements of the covered program.**
- (b) **This section only applies to participants who are determined by FSA to have made a good faith effort to comply fully with the terms and conditions of the covered program and have performed substantial actions required for program eligibility.--***

C When Failure to Fully Comply Provisions May Apply

Relief under failure to fully comply provisions may apply if **all** of the following occur:

- *--participant demonstrated a good faith effort to comply and nonetheless failed to comply with or is ineligible under the current program provisions
- participant rendered substantial performance
- participant acted to remedy the failure to fully comply or ineligibility, or is prepared to--* mitigate the failure, if required as a condition of relief by FSA.

45 Failure to Fully Comply (Continued)

D Good Faith Effort and Substantial Performance

The good faith effort and substantial performance standard is what the participant must be found to have made or done, as applicable, to determine whether equitable relief under this subparagraph is warranted. FSA's inability to find that a participant did **not** demonstrate a good faith effort to comply or substantial performance does **not** mean that the reviewing authority has determined the participant to have acted badly or with disregard for the program.

Reviewing authorities will consider the following when analyzing if a participant in a covered program demonstrated a good faith effort to comply and rendered substantial performance:

- did the participant provide all required information timely and honestly without any misrepresentation, concealment, or intention to evade any program compliance provision
- how the participant demonstrated a good faith effort to comply
- whether the participant brought the failure to FSA's attention or if FSA learned of the program failure or discrepancy by other means
- if the failure was the result of oversight and not an intent of the participant to comply with only some of the program requirements
- the actual performance rendered by the participant toward compliance with the program's requirements
- whether a participant has a pattern of similar program discrepancies in prior years or other applications.

48 Special Equitable Relief Authority for SED's (Continued)

A Regulatory Text (Continued)

(c) *Additional limits on the authority.* The authority provided under this section does not extend to:

- (1) The administration of payment limitations under part 1400 of this chapter (§§1001 to 1001 F of 7 U.S.C. 1308 *et seq.*);
- (2) The administration of payment limitations under a conservation program administered by the Secretary; or
- (3) Highly erodible land and wetland conservation requirements under subtitles B or C of Title XII of the Food Security Act of 1985 (16 U.S.C. 3811 *et seq.*) as administered under 7 CFR part 12.

--(d) Relief may not be provided by the SED under this section until a written opinion or written acknowledgment is obtained from OGC that grounds exist for determination that requirements for granting relief under §718.303 or §718.304 have been met, that the form of relief is authorized under §718.305, and that the granting of the relief is within the lawful authority of the SED.--

(e) *Relation to other authorities.* The authority provided under this section is in addition to any other applicable authority that may allow relief. Generally, the SED may, without consultation other than with OGC, decide all matters under \$20,000 but those decisions shall not be subject to modification within the Farm Service Agency to the extent provided for under the rules of this section.

48 Special Equitable Relief Authority for SED's (Continued)

B Special Relief Authority

Except for programmatic relief reserved for DAFFP, SED may approve relief for cases involving either misaction/misinformation of FSA personnel under paragraph 44, or failure to fully comply by the participant under paragraph 45, subject to all of the following:

- total amount of relief being provided to the participant under this special authority is **less than** \$20,000 per calendar year

Note: Include in that calculation any loan amount, payment, or other benefit payable for that year and any other year because of the relief being approved.

- total amount of relief previously provided to the participant under this special authority is **not** more than \$5,000 during the calendar year
- total amount of relief provided by SED during the calendar year to similarly situated participants under this special authority for the current year or any other year is **not** more than \$1 million

Example: Relief is requested for 80 participants under NAP for the same program year and the same misinformation basis. Requested relief for any 1 participant does **not** exceed the authority of SED, but the total requested relief for the similarly situated participants is \$1.1 million. Although the relief for each of the individual participants in this example does **not** exceed the SED authority, the total amount of relief for similarly situated participants (\$1.1 million) exceeds the maximum authority for similarly situated participants.

- SED has received written concurrence from OGC that:
 - grounds exist for determination that the participant has, in good faith, detrimentally relied on the actions of or information from an authorized FSA representative, or that the participant otherwise failed, in good faith, to fully comply with the requirements of the program

Reports, Forms, Abbreviations, and Redelegations of Authority

Reports

This table lists the required reports in this handbook.

Report Control Number	Title	Reporting Period	Submission Date	Negative Report	Reference
PA-129R	Report of Finality Rule	Annually	January 3	Yes	19, 72, Ex. 12
PA-134R	SED Report of Exercise of Special Approval	Case-by-Case	Upon Approval	No	72, Ex. 10
PA-135P	Report of Equitable Relief	Annually	January 3	Yes	72, Ex. 11
***	***	***	***	***	***

Forms

This table lists all forms referenced in this handbook.

Number	Title	Display Reference	Reference
AD-1026	Highly Erodible Land Conservation (HELIC) and Wetland Conservation (WC) Certification		20, 21
CCC-471	Non-Insured Crop Disaster Assistance Program (NAP) Application for Coverage (2010 and Subsequent Crop Years)		4
CCC-502 (Continuation)	Continuation Sheet for Leased or Owned Land		20, 21
CCC-502A	Farm Operating Plan for Payment Eligibility Review for an Individual		20, 21
CCC-502B	Farm Operating Plan for Payment Eligibility Review for a Joint Venture or General Partnership		20, 21
CCC-502C	Farm Operating Plan for Payment Eligibility Review for Corporations, Limited Partnerships or Other Similar Entities		20, 21
CCC-502D	Farm Operating Plan for Payment Eligibility Review for an Estate or Trust		20, 21
CCC-502EYR	End-of-Year Report of Payment Limitation Review		20, 21
CCC-502EZ	Farm Operating Plan for Payment Eligibility Review for an Individual		20, 21
CCC-502U	Update for CCC-502, Farm Operating Plan for Payment Eligibility Review		20, 21

Reports, Forms, Abbreviations, and Delegations of Authority (Continued)

Forms (Continued)

Number	Title	Display Reference	Reference
CCC-633 EZ	Loan Deficiency Payment (LDP) Agreement and Request		21
CCC-576	Notice of Loss and Application for Payment Noninsured Crop Disaster Assistance Program		4
CCC-861	Agricultural Risk Coverage - County Option (ARC-CO) and Price Loss Coverage (PLC) Contract		17
CCC-902 Continuation	Continuation Sheet for Leased or Owned Land (Attach to Form CCC-902I or CCC-902E)		20, 21
CCC-902E	Farm Operating Plan for an Entity - 2009 and Subsequent Program Years		20, 21
CCC-902E Continuation	Continuation Sheet for Farm Operating Plan for an Entity - 2009 and Subsequent Program Years		20, 21
CCC-902EYR	End-of-Year Report of Payment Limitation Review		20, 21
CCC-902I	Farm Operating Plan for an Individual - 2009 and Subsequent Program Years		20, 21
CCC-902I Short Form	Farm Operating Plan for an Individual - 2009 and Subsequent Program Years		20, 21
CCC-931	Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information		20, 21
CCC-933	Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information (for 2013)		20, 21
CRP-1	Conservation Reserve Program Contract		47
FSA-321	Finality Rule and Equitable Relief	Ex. 5	4, 16, 17, 19, 44, 48, 71, Ex. 10-12
FSA-578	Report of Acreage		4

Abbreviations Not Listed in 1-CM

The following abbreviations are not listed in 1-CM.

Approved Abbreviation	Term	Reference
ARCPLC	Agriculture Risk Coverage and Price Loss Coverage Program	18
RMPR	Risk Management Purchase Requirement	3, 45