

For: State and County Offices and RSO's

**Reconsiderations and Appeals Concerning Crop Loss Disaster Assistance Program (CLDAP)**

Approved by: Associate Administrator for Programs



**1 Overview**

**A**

**Background**

On February 1, 1999, participants began submitting applications for benefits under CLDAP. County Offices have received information from RMA regarding insured crops for 1994 through 1998 crops. Participants have the right to request reconsideration and file appeals regarding adverse CLDAP decisions and the data used to make CLDAP decisions pursuant to 7 CFR Part 780 (FSA's informal appeal system), 7 CFR Part 11 (NAD), and 7 CFR Part 400 (RMA).

**B**

**Purpose**

This notice provides instructions regarding processing requests for reconsideration and appeal filed by participants relating to CLDAP decisions and the data on which these decisions are based.

**2 Providing Review Rights**

**A**

**COC**

**Responsibilities**

For issues other than those relating to the data provided by RMA through the electronic download, COC shall provide appropriate review rights according to 1-APP, paragraph 26. If the adverse decision is made by CED, provide appeal rights according to subparagraph 26 A. If the adverse decision is made by COC, follow subparagraph 26 B to provide reconsideration and appeal rights.

For issues relating to the data provided by RMA through the electronic download, COC shall inform participants in writing that requests for review must be:

- made to the appropriate RSO (provide address)

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<p><b>Disposal Date</b></p> <p>January 1, 2000</p>	<p><b>Distribution</b></p> <p>State Offices; State Offices relay to County Offices and RSO's</p>
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### 2 Providing Review Rights (Continued)

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#### A

#### COC Responsibilities (Continued)

- filed not later than 30 calendar days from the date the notice is mailed or otherwise made available to the participant.
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### 3 Performing Reviews

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#### A

#### FSA Responsibilities

FSA shall follow 7 CFR Part 780 and 1-APP to conduct reviews of adverse decisions that are based upon information obtained from producers by FSA. For issues relating to these decisions, COC's shall provide review rights and process requests for reconsideration and appeal according to 1-APP.

**Example:** COC determines that part of the producer's loss of production was because of ineligible cause and assigned production. The participant believes the COC decision is erroneous and asks for reconsideration. COC shall process the request and handle the review according to 1-APP.

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#### B

#### RMA Responsibilities

RMA shall follow 7 CFR Part 400 to conduct appeals of the data provided to FSA in the electronic downloads for 1994 through 1998. Participants that desire a review of the data provided to FSA by RMA may file an appeal in writing to their servicing RSO.

**Example:** A participant visits an FSA County Office and questions the data provided by RMA regarding the 1994 through 1998 crop insurance indemnity payments. Because FSA does not have the authority to modify the data received from RMA, the County Office shall notify the participant in writing of the right to seek a review of the RSO data. The County Office shall provide the address and inform the participant that the request for review must be filed not later than 30 calendar days from the date the notice is mailed or otherwise made available. RSO shall process the appeal. If, upon review, RSO determines the crop insurance indemnity data previously provided to FSA was erroneous, RMA shall provide corrected data to FSA that will be used to determine the participant's CLDAP benefits.

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#### C

#### Questions

Direct questions regarding procedures discussed in this notice or other appeal issues to ALG at 202-690-3297.

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