

For: FSA Offices

Dispute Resolution Activity for FY 2004

Approved by: Administrator



1 Overview

A Background

Congressional inquiries and requests from news media and others require that the Appeals and Litigation Staff (ALS) obtain updated information about the types and numbers of appeals and requests for mediation and reconsideration processed at the county and State levels during FY 2004. FSA must effectively monitor its dispute resolution process to manage and evaluate the effectiveness of the informal appeals process.

B Purpose

This notice provides instructions for reporting FY 2004 dispute resolution activity.

- Include partially granted appeals and requests for reconsideration on the Dispute Resolution Activity Report.
- Report all appeals and requests for reconsideration granted or denied in FY 2004 on the Dispute Resolution Activity Report regardless of the FY in which the request for review was filed.
- Report remands or requests for reconsideration only once, with the determination resulting from the remand or reconsideration being the activity reported.
- Report all mediation activity where mediation concluded in FY 2004 regardless of the FY in which mediation began.

Disposal Date	Distribution
May 1, 2005	All FSA offices; State Offices relay to County Offices

Notice APP-37

2 Action

A Service Center Action

Service Centers shall:

- review COC minutes, farm loan files, program files, and other records to determine appeal, mediation, and reconsideration cases processed at the county level, by subject, during FY 2004
- summarize and report county level data in the format shown in Exhibit 1

Note: Do **not** report pending cases. Include only activity where a determination was made and report mediation activity only if a decision was not appealed to a higher reviewing authority or NAD before mediation concluded.

- send County Level Dispute Resolution Activity (Exhibit 1) to arrive in the State Office by COB **October 8, 2004**.

Note: Negative reports are required.

B State Office Action

State Offices shall:

- review STC minutes, farm loan files, program files, and other records to determine appeal, mediation, and reconsideration cases processed at the State level, by subject, during FY 2004
- summarize State level data in the format shown in Exhibit 2

Note: Do **not** report pending cases. Include only activity where a determination was made and report mediation activity only if a decision was not appealed to a higher reviewing authority or NAD before mediation concluded.

- summarize the individual County Level Dispute Resolution Activity (Exhibit 1) to obtain State level totals of data for appeals, reconsiderations, and mediation at the county level
- maintain the individual County Level Dispute Resolution Activity in the State Office to ensure availability for future reference
- send County Level and State Level Dispute Resolution Activity (Exhibits 1 and 2, respectively) to arrive in ALS by COB **October 15, 2004**.

Note: Negative reports are required. Contact Robin Wieland at 202-690-2814 to resolve questions concerning reports.

County Level Dispute Resolution Activity

County/State Name _____

Total number of **farms** listed in the county/counties _____

Total number of **producers** listed in the county/counties _____

County Level Reviews for FY 2004						
Subject	Granted	Denied	Mediated	Mediation Agreement Reached	Appeals Filed Following Mediation Agreement	No Appeal Following Mediation Agreement
Conservation Reserve Program						
All Other Conservation Programs						
Payment Eligibility/Limitation						
Non Insured Crop Disaster Assistance Program (NAP)						
CDP and other Livestock Assistance and Compensation Programs						
LDP's and Marketing Gains						
Direct and Counter-Cyclical Program						
HELC/WC						
Direct OL						
Direct FO						
Direct EM						
Direct Loan Servicing						
Guaranteed OL						
Guaranteed FO						
Guaranteed Loan Servicing						
Other (List by Subject)						
Totals by Column						

Estimated number of **adverse decisions** in the county/counties _____

Note: Include both initial and subsequent adverse decisions. Decisions are considered adverse if they contain any appeal rights, including the right to request reconsideration, mediation, appeal, or request an appealability review.

Total number of appealability determinations in the county/counties _____

State Level Dispute Resolution Activity

State Name _____

Total number of **farms** listed in the State _____

Total number of **producers** listed in the State _____

State Level Reviews for FY 2004						
Subject	Granted	Denied	Mediated	Mediation Agreement Reached	Appeals Filed Following Mediation	No Appeal Following Mediation
Conservation Reserve Program						
All Other Conservation Programs						
Payment Eligibility/Limitation						
Non Insured Crop Disaster Assistance Program (NAP)						
CDP and other Livestock Assistance and Compensation Programs						
LDP's and Marketing Gains						
Direct and Counter-Cyclical Program						
HELIC/WC						
Direct OL						
Direct FO						
Direct EM						
Direct Loan Servicing						
Guaranteed OL						
Guaranteed FO						
Guaranteed Loan Servicing						
Other (List by Subject)						
Totals by Column						

Estimated number of **adverse decisions** in the State _____

Note: Include both initial and subsequent adverse decisions. Decisions are considered adverse if they contain any appeal rights, including the right to request reconsideration, mediation, appeal or request an appealability review.

Total number of appealability determinations in the State _____