

For: FSA Offices

Dispute Resolution Activity for FY 2006

Approved by: Acting 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 2006. 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 2006 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 2006 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 2006 regardless of the FY in which mediation began.

Disposal Date	Distribution
May 1, 2007	All FSA offices; State Offices relay to County Offices

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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 2006
- 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 13, 2006.

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 2006
- 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 the summarized County Level and State Level Dispute Resolution Activity (Exhibits 1 and 2, respectively) to arrive in ALS by COB October 20, 2006.

Note: Negative reports are required. Contact Robin Wieland at 202-690-2814 or **robin.wieland@wdc.usda.gov** 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 2006						
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, Marketing Gains, and Commodity Loan Issues						
GIS – Common Land Units						
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						

Total estimated number of **adverse decisions** in the county/counties _____

Note: See 1-APP, Exhibit 4 for the definition of adverse decision. Include both initial and subsequent adverse decisions, as well as appealability determinations. Decisions are considered adverse if they contain any appeal rights, including the right to request reconsideration, mediation, or appeal or request an appealability review.

Total number of adverse decisions that are appealability determinations in the county/counties _____

Note: See 1-APP, paragraph 24 for appealable and nonappealable program determinations. The total number of appealability determinations should not exceed the total number of adverse decisions.

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 2006						
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, Marketing Gains, and Commodity Loan Issues						
GIS – Common Land Units						
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						

Total estimated number of **adverse decisions** in the State _____

Note: See 1-APP, Exhibit 4 for the definition of adverse decision. Include both initial and subsequent adverse decisions, as well as appealability determinations. Decisions are considered adverse if they contain any appeal rights, including the right to request reconsideration, mediation, or appeal or request an appealability review.

Total number of adverse decisions that are appealability determinations in the State _____

Note: See 1-APP, paragraph 24 for appealable and nonappealable program determinations. The total number of appealability determinations should not exceed the total number of adverse decisions.