

**For:** FSA Offices

**Dispute Resolution Activity for FY 2007**

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**Approved by:** Administrator



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**1 Overview**

**A Background**

Congressional inquiries and requests from news media and others require that ALS obtain updated information about the types and numbers of appeals and requests for mediation and reconsideration processed at the State and county levels during FY 2007. FSA must effectively monitor its dispute resolution process to manage and evaluate the effectiveness of the informal appeals process.

The provisions of this notice will be incorporated into 1-APP.

**B Purpose**

This notice provides instructions for reporting FY 2007 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 2007 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 2007 regardless of the FY in which mediation began.

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<b>Disposal Date</b>	<b>Distribution</b>
May 1, 2008	All FSA Offices; State Offices relay to County Offices

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## Notice APP-48

### 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 2007
- 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 26, 2007.

**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 2007
- 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 November 2, 2007. The summary reports may be FAXed to ALS at 202-720-3023.

**Note:** Negative reports are required. Contact Robin Wieland at 202-690-2814 or **robin.wieland@wdc.usda.gov** to resolve questions about reports.

**County Level Dispute Resolution Activity**

County/State Name \_\_\_\_\_

Total number of **farms** listed in the county \_\_\_\_\_

Total number of **producers** listed in the county \_\_\_\_\_

County Level Reviews for FY 2007						
Subject	Of Those Determinations Applied or Seeking Mediation List How Many Were			Mediation Agreement Reached	FSA Appeals Filed Following Mediation	No FSA Appeals Following Mediation
	Granted	Denied	Mediated			
Conservation Reserve Program						
All Other Conservation Programs						
Payment Eligibility/Limitation						
Noninsured Crop Disaster Assistance Program (NAP)						
Livestock Assistance and Compensation Programs, and CDP						
LDP's, Marketing Gains, and Commodity Loan Issues						
GIS – Common Land Units						
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						

Total estimated number of **adverse determinations** at the county level \_\_\_\_\_

**Note:** This total should include **all** appealable and nonappealable program determinations. See 1-APP, Exhibit 4 for the definition of adverse determination. Include both initial and subsequent adverse decisions. A decision is considered adverse if it contains any appeal rights, including the right to request reconsideration, mediation, or appeal or request an appealability review.

Total number of adverse determinations that are “appealability” decisions at the county level \_\_\_\_\_

**Note:** See 1-APP, subparagraph 1 D for examples of nonappealable issues and subparagraph 24 B for notification requirements.

**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 2007						
Subject	Of Those Determinations Applied or Seeking Mediation List How Many Were			Mediation Agreement Reached	FSA Appeals Filed Following Mediation	No FSA Appeals Following Mediation
	Granted	Denied	Mediated			
Conservation Reserve Program						
All Other Conservation Programs						
Payment Eligibility/Limitation						
Noninsured Crop Disaster Assistance Program (NAP)						
Livestock Assistance and Compensation Programs, and CDP						
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 determinations** at the State level \_\_\_\_\_

**Note:** This total should include **all** appealable and nonappealable program determinations. See 1-APP, Exhibit 4 for the definition of adverse determination. Include both initial and subsequent adverse decisions. A decision is considered adverse if it contains any appeal rights, including the right to request reconsideration, mediation, or appeal or request an appealability review.

Total number of adverse determinations that are “appealability” decisions at the State level \_\_\_\_\_

**Note:** See 1-APP, subparagraph 1 D for examples of nonappealable issues and subparagraph 24 B for notification requirements.