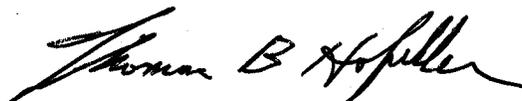


For: FSA Offices

Dispute Resolution Activity for FY 2008

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 State and county levels during FY 2008. 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 2008 dispute resolution activity on the Dispute Resolution Activity Report, as follows:

- include partially granted appeals and requests for reconsideration
- report all appeals and requests for reconsideration granted or denied in FY 2008 regardless of FY in which the request for review was filed
- report remands or requests for reconsideration **only** once, with the decision resulting from the remand or reconsideration being the activity reported
- report all mediation activity where mediation concluded in FY 2008 regardless of FY in which mediation began.

<p>Disposal Date</p> <p>December 1, 2008</p>	<p>Distribution</p> <p>All FSA Offices; State Offices relay to County Offices</p>
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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 2008
- summarize and report county level data in the format shown in Exhibit 1

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

- send Exhibit 1 to arrive in the State Office by **COB October 10, 2008**.

Notes: DAFO will e-mail Exhibit 1 to SED's for distribution to County Offices.

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 2008
- summarize State level data in the format shown in Exhibit 2

Note: Do **not** report pending cases. Include only activity where a decision 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

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2 Action (Continued)

B State Office Action (Continued)

- 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 17, 2008**; summary reports may be FAXed to ALS at 202-690-3003.

Notes: DAFO will e-mail Exhibit 2 to SED's.

Negative reports are **required**. Contact Carol Wagner by telephone at 202-720-4966 or by e-mail at carol.wagner@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 2008						
Subject	Of Decisions Appealed or Seeking Mediation, List How Many Were:			Mediation Agreement Reached	FSA Appeals Filed Following Mediation Agreement	No FSA Appeals Following Mediation
	Granted	Denied	Mediated			
CRP						
All Other Conservation Programs						
Payment Eligibility/Limitation						
NAP						
Livestock Assistance and Compensation Programs						
All other Crop Disaster Programs						
LDP's, Marketing Gains, and Commodity Loan Issues						
GIS – Common Land Units						
DCP						
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** at the county level: _____.

Note: This total should include **all** appealable and nonappealable program decisions. See 1-APP, Exhibit 2 for adverse decision definition. Include both initial and subsequent adverse decisions. A decision is considered adverse if the notification letter contains 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” decisions at the county level: _____.

Note: See 1-APP, paragraph 11 for examples of nonappealable decisions and paragraph 15 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 2008						
Subject	Of Decisions Appealed or Seeking Mediation, List How Many Were:			Mediation Agreement Reached	FSA Appeals Filed Following Mediation Agreement	No FSA Appeals Following Mediation
	Granted	Denied	Mediated			
CRP						
All Other Conservation Programs						
Payment Eligibility/Limitation						
NAP						
Livestock Assistance and Compensation Programs						
All other Crop Disaster Programs						
LDP's, Marketing Gains, and Commodity Loan Issues						
GIS – Common Land Units						
DCP						
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 decisions** at the State level: _____.

Note: This total should include **all** appealable and nonappealable program decisions. See 1-APP, Exhibit 2 for adverse decision definition. Include both initial and subsequent adverse decisions. A decision is considered adverse if the notification letter contains 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” decisions at the State level: _____.

Note: See 1-APP, paragraph 11 for examples of nonappealable decisions and paragraph 15 for notification requirements.