

For: State and County Offices

Conservation Reserve Program (CRP) Appeal Information

Approved by: Deputy Administrator, Farm Programs



1 Overview

A Background

Information was provided during a conference call on August 27, 2003, about appeal rights to producers that had CRP signup 26 offers rejected. Participants in the conference call were erroneously informed to provide producer appeal rights to the National Appeals Division (NAD). This reiterates that appeal rights must be to COC. See Notice APP-35.

B Purpose

This notice:

- reiterates appeal procedure
- corrects erroneous conference call information.

C Contacts

If there are questions about this notice:

- County Offices shall contact the appropriate State Office representative for CRP appeals
- State Offices shall contact the Appeals and Litigation Staff through DAFO.

Disposal Date	Distribution
March 1, 2004	State Offices; State Offices relay to County Offices

Notice CRP-445

2 Policy

A Appealable and Nonappealable Issues

Matters that are generally applicable to all producers are not appealable. The following table provides information on appealable and nonappealable issues. This table is not all inclusive.

Nonappealable Issues	Appealable Issues
General program requirements set forth in public rules applicable to all participants	Identifying soil map unit symbols used in the maximum payment rate calculation
Soil rental rates	Conservation plans
Formulas	Land eligibility determinations
Technical standards	Scoring of offer using ranking factors when influenced by NRCS field-based data
Fairness or constitutionality of Federal laws	Acreage measurements of soils
Published soil surveys	Measurement of distance and acreage
Soil boundary lines	Calculation correctness
Soil map unit symbol	Correct entries of map units
Soil interpretive legends	ZIP Code for the unit

The request for appeal or reconsideration shall be in writing from the participant and considered filed on any 1 of the following dates:

- personally delivered to the County Office
- postmarked
- complete FAX is received.

The reviewing authority may consider a request for appeal or reconsideration that is not filed timely if the circumstances warrant such an action.

B Nonappealable Issues

Participants shall be notified if they have filed an appeal of a nonappealable issue. The notice shall include the participant's right to request a NAD Director's review within 30 calendar days of the FSA determination that the issue is not appealable.

Notice CRP-445

3 CRP Unacceptable Offer Processing

A CRP-26

2-CRP, Exhibit 12 provides an example of CRP-26 to notify a producer that an offer was not accepted. The contents of CRP-26 shall be modified to provide appropriate appeal rights. The reviewing authority to which a producer may appeal is based on the level of the decision maker.

B Accepted and Rejected Offers

Notice CRP-443:

- provided information about the accepted and rejected offer list for general signup 26
- informed County Offices to begin notifying producers of accepted and rejected offers using CRP-23 or CRP-26.

Issuing CRP-26 to a producers based on Notice CRP-443 is considered a determination by a subordinate to COC because there was no COC determination involved. Appeal rights shall be given only to COC.

C COC Final Decision

A producer that appeals a subordinate employee's determination will have the right to a COC hearing. If COC upholds the subordinate's determination, the participant is afforded the right to:

- reconsideration to COC
- mediation
- appeal to STC
- appeal to NAD.