

PROGRAM DECISION APPEAL PROCESS

Who can use this appeal process?

Any person who receives an adverse program decision from specific USDA agencies can file an appeal request. This includes anyone who has been turned down for a farm loan, had their mortgage accelerated, been denied program payments, denied assistance or relief, or turned down for anything by an agency.

Persons fitting this description can appeal to the USDA National Appeals Division (NAD).

Who is the USDA National Appeals Division?

The NAD is an independent office that reports directly to the Secretary of Agriculture. The NAD has the responsibility to give customers an opportunity to file an appeal and receive a hearing if they disagree with a program decision they have received from one of the following agencies:

- Farm Service Agency (FSA),
- Natural Resources Conservation Service (NRCS),
- Risk Management Agency (RMA),
- Rural Business-Cooperative Service (part of Rural Development),
- Rural Housing Service (part of Rural Development), or
- Rural Utilities Service (part of Rural Development).

Filing an Appeal

Filing an appeal provides an opportunity for a customer to explain why they do not agree with the agency's decision. They will be able to present their case and any evidence, "face to face" or on the telephone, to a NAD Hearing Officer. The officer will determine what happened, review the evidence, and decide if the agency's decision is right or wrong.

Steps to File an Appeal

1. The appeal request must be in writing, submitted by the participant who received the adverse action, and be received in the appropriate NAD Regional Office no later than 30 days after the date the agency's decision was received. An appeal request form is attached.
2. The appeal request should state what agency decision is being appealed, and should include, if possible, a copy of the adverse decision and a brief statement of why the appellant thinks the decision received is wrong. The appeal must be signed by the appellant.
3. For appeals in Iowa, the appeal request must be mailed or faxed to the NAD Eastern Regional Office address below.

USDA National Appeals Division
Eastern Regional Office
Post Office Box 68806
Indianapolis, Indiana 46268-0806
FAX: 1-317-875-9674
TDD: 1-800-791-3222

Customers can also visit the NAD web site <http://www.nad.usda.gov> or call toll-free at 1-800-541-0457.

Sometimes an agency may state that an adverse decision is not appealable. In this situation, the customer should simply send a letter to the appropriate NAD Regional Office, along with a copy of any written adverse determination received, and ask whether the decision may be appealed. The NAD Director will determine if the decision is appealable. If so, the case will be assigned to a NAD Hearing Officer.

What happens after an appeal is filed?

Within a matter of days, the NAD Regional Office processing the appeal will assign it to a NAD Hearing Officer and they will contact the appellant with further information.

For further information, refer to the USDA National Appeals Division website at <http://www.nad.usda.gov>.

Appeal Request Form

I hereby request an administrative appeal regarding an adverse decision issued by the _____ agency, dated _____. I have attached (1) a copy of the decision and (2) a statement why I believe the agency determination is wrong. The date I received the determination was _____.

Signature: _____

Date: _____