

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

Finality Rule and Equitable Relief 7-CP (Revision 2)	Amendment 6
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Approved by: Deputy Administrator, Farm Programs



Amendment Transmittal

A Reasons for Amendment

Subparagraph 71 D has been amended to correct the reporting date.

Exhibit 11:

- page 1 has been amended to correct the reporting date and add a row for totals
- page 2 has been amended to correct the reporting date.

Exhibit 12, pages 1 and 2 have been amended to correct the reporting date.

Page Control Chart		
TC	Text	Exhibit
	3-47	1, pages 1, 2 11, pages 1, 2 12, pages 1, 2

71 Preventing Future Need for Relief**A Background**

It is quite expensive for FSA to extend unearned program benefits to a producer because of action or advice of an employee. The expense includes the unnecessary administrative costs, as well as the program costs for which there is no program benefit. It is important that COC's and STC's take corrective action to minimize these unnecessary costs.

B Corrective Action

When a bona fide relief case occurs, corrective action shall be taken to lessen future incidence of these errors. Corrective action may include, but is not limited to, the following:

- additional training
- office procedure revision
- more serious action, if warranted.

C Plan of Corrective Action for Equitable Relief and Finality Rule

SED's shall prepare a written plan identifying weaknesses in program delivery. This may include sharing of portions or entire County Office review information with all offices to minimize mistakes in program delivery. The plan shall include both equitable relief and finality rule issues within the State.

DD's will be responsible for training CED's, FLM's, and PT's when corrective actions must be taken.

D Submitting Plan of Corrective Action for Equitable Relief and Finality Rule (PA-136R)

SED shall submit a copy of the plan of corrective action for equitable relief and finality rule ~~required~~ in subparagraph C to PECD by January 3 each year. Report must be submitted to ~~PECD~~ PECD by FAX at 202-690-2130. The plan of corrective action for equitable relief and finality rule shall:

- include an analysis of relief cases acted upon during the previous calendar year along with any identified weaknesses in program delivery
- list the corrective action undertaken or planned including implementation dates.

Negative reports are required.

E Recurring Request for Relief Because of County Office Error

When recurring request for relief has been submitted to SED, STC, or DAFP, appropriate disciplinary action shall be taken.

72-81 (Reserved)

Reports, Forms, Abbreviations, and Redelegations of Authority

Reports

This table lists the required reports in this handbook.

Report Control Number	Title	Reporting Period	Submission Date	Negative Report	Reference
PA-129R	Report of Finality Rule	Annually	January 3	Yes	83
PA-134R	SED Report of Exercise of Special Approval	Case-by-Case	Upon Approval	No	83
PA-135P	Report of Equitable Relief	Annually	January 3	Yes	83
PA-136R	SED Corrective Action Plan	Annually	January 3	Yes	71

Forms

This table lists all forms referenced in this handbook.

Number	Title	Display Reference	Reference
AD-1026	Highly Erodible Land Conservation (HELIC) and Wetland Conservation (WC) Certification		20, 21
CCC-184	CCC Check		83, Ex. 5
CCC-502's	Farm Operating Plan for Payment Eligibility Review		20, 21
CCC-633 LDP	Loan Deficiency Payment Certification and Application		21
CRP-1	Conservation Reserve Program Contract		17, 18, 69
FSA-321	Finality Rule and Equitable Relief	Ex. 5	Text, Ex. 11, 12
FSA-578	Report of Acreage		20

Reports, Forms, Abbreviations, and Delegations of Authority (Continued)

Abbreviations Not Listed in 1-CM

The following abbreviations are not listed in 1-CM.

Approved Abbreviation	Term	Reference
FLM	Farm Loan Manager	71
PT	program technician	71

Redelegations of Authority

This table list the redelegation of authority in this handbook.

Redelegation	Reference
DAFP has delegated the authority to approve or disapprove some finality rule cases to SED's.	16
DAFP has delegated the authority to approve or disapprove some equitable relief cases to STC's.	3

Example Format for Reporting the Annual FSA-321 for Equitable Relief (PA-135P)

The following is an example for reporting the annual FSA-321 for equitable relief, which includes misaction/misinformation and failure to fully comply cases only.

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PA-135P						
State - <u>Vermont</u>			Report Date - <u>January 3, 2011</u>			
County	Payment Type	Number of Cases	Amount of Relief Requested	Amount of Relief Approved	Basis for Relief	Approval Authority
Addison	LDP	1	\$5,000	\$3,500	Failure to fully comply	SED
Addison	NAP	3	\$95,000	\$95,000	Misinformation	DAFP
Addison	CDP	1	\$4,500	\$4,500	Misinformation	STC
Bennington	CRP	1	\$20,000	\$20,000	Misaction	SED
Caledonia	LDP	3	\$12,000	\$9,000	Failure to fully comply	SED
Caledonia	LDP	1	\$3,500	\$3,500	Misinformation	STC
Totals		10	\$140,000	\$135,500		
Negative reports for all other counties						

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Example Format for Reporting the Annual FSA-321 for Equitable Relief (PA-135P) (Continued)

The following provides instructions for the annual equitable relief report.

Item	Instructions
County	Enter the name of the administrative County Office. A separate line item shall be used for each program, basis for relief, or approval authority.
Payment Type	Enter the program listed on FSA-321 applicable to the relief request.
Number of Cases	Multiple cases may be included on the same line item if the “County”, “Payment Type”, “Basis for Relief”, and “Approval Authority” are the same.
Amount of Relief Requested	Enter the dollar amount of relief requested on FSA-321.
Amount of Relief Approved	Enter the dollar amount of relief approved on FSA-321. This amount: <ul style="list-style-type: none"> • shall not exceed the amount requested • may be zero if the request was denied.
Basis for Relief	The basis for relief shall be listed as either “Misinformation”, “Misaction”, or “Failure to Fully Comply”. <p>Note: Finality rule cases shall not be included. See Exhibit 12 for the annual report of finality rule cases.</p>
Approval Authority	The approval authority shall be listed as either “STC”, “SED”, or “DAFP”. Cases approved by NAD shall not be included.
Additional Clarification	
<p>•*--This report shall be submitted to PECD annually by January 3 for relief granted during the previous calendar year.</p> <p style="padding-left: 40px;">Example: Relief granted during calendar year 2011 for a 2010 program applicant shall be included on the 2011 annual report.--*</p> <ul style="list-style-type: none"> • This report shall include cases documented on FSA-321 where relief was denied. • Do not include finality rule cases. See Exhibit 12 for the annual report of finality rule cases. • Do not include cases where the final determination was made by NAD. 	

Example Format for Reporting the Annual FSA-321 for Finality Rule (PA-129R)

The following is an example for reporting the annual FSA-321 for finality rule only.

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PA-129R				
State - <u>Vermont</u>			Report Date - <u>January 3, 2011</u>	
County	Payment Type	Number of Cases	Amount Approved	Approval Authority
Addison	LDP	1	\$19,000	SED
Addison	NAP	2	\$5,500	SED
Addison	NAP	2	\$65,500	DAFP
Bennington	LDP	3	\$65,500	SED
Caledonia	CDP	1	\$25,500	DAFP
Negative reports for all other counties				

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Example Format for Reporting the Annual FSA-321 for Finality Rule (PA-129R) (Continued)

--The following provides instructions for the annual finality rule report only.--

Item	Instructions
County	Enter the name of the administrative County Office. A separate line item shall be used for each program or approval authority.
Payment Type	Enter the program listed on FSA-321.
Number of Cases	Multiple cases may be included on the same line item if the program and approval authority are the same. Include cases where the FSA-321 relief request was denied or partially approved.
Amount Approved	Enter the dollar amount that the program participant was not determined entitled to retain because of the finality rule.
Approval Authority	Must be either SED or DAFP. STC does not have finality rule approval authority. Do not included finality rule cases approved through NAD decisions.
Additional Clarification	
<p>●*--This report shall be submitted to PECD annually by January 3 for relief granted during the previous calendar year.</p> <p style="padding-left: 40px;">Example: Relief granted during calendar year 2011 for a 2010 program applicant shall be included on the 2011 annual report.--*</p> <ul style="list-style-type: none"> ● This report shall include all SED or DAFP finality rule decisions documented on FSA-321, including cases where the request has been denied. ● This report includes cases where the finality was determined to apply during the previous calendar year. <p>*--Example: If the finality rule is determined to apply during calendar year 2011 to a case involving a 2010 program payment, the case shall be included on the 2011--* annual report.</p>	