

**UNITED STATES DEPARTMENT OF AGRICULTURE**

Farm Service Agency  
Washington, DC 20250

<b>Finality Rule and Equitable Relief 7-CP (Revision 4)</b>	<b>Amendment 3</b>
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**Approved by:** Deputy Administrator, Farm Programs



**Amendment Transmittal**

**A Reason for Amendment**

Subparagraph 4 B has been amended to update the e-mail address for submitting requests electronically.

<b>Page Control Chart</b>		
<b>TC</b>	<b>Text</b>	<b>Exhibit</b>
	1-7, 1-8	



3 **Equitable Relief and Finality Rule (Continued)**

**B Relief and Finality Authority Overview**

The following provides a summary of finality rule and equitable relief authority.

<b>Summary of Finality Rule and Equitable Relief Authority - Not Programmatic Relief</b>		
Finality Rule	SED	Up to \$25,000 per case.
	DAFP	Cases exceeding SED authority. <u>1/</u>
Misaction/Misinformation and Failure to Fully Comply	STC	Up to \$5,000 per case.
	SED	Less than \$20,000 per participant per calendar year. <u>2/</u>
	DAFP	Cases exceeding STC or SED authority. <u>1/</u>
<p><b>Note:</b> Relief for a participant cannot be combined among the various granting authorities. Relief may be granted by STC, SED, or DAFP.</p> <p><b>Example 1:</b> A participant is requesting \$24,000 in equitable relief resulting from misaction by FSA. SED cannot grant relief of \$19,000 in addition to STC relief of \$5,000, bringing the total to the requested \$24,000.</p> <p><b>Example 2:</b> A participant is requesting \$30,000 in equitable relief in a failure to fully comply case. If SED grants \$19,999 in relief to this participant, the additional amount of relief is <b>not</b> available.</p>		

1/ If STC or SED has authority to act or grant relief on a case that is similar to another case that requires a decision by a higher authority, no action will be taken on the case until a determination on the other case has been made by the higher authority.

2/ Providing any previous relief granted by SED in the same calendar year to that participant did **not** exceed \$5,000 and relief provided to similarly situated participants is **not** greater than \$1 million. SED authority granted according to paragraph 48.

**Note:** Unless otherwise specifically delegated by DAFP, only DAFP has authority to grant programmatic relief. See paragraph 43.

## 4 Submitting Requests to the Washington, DC, National Office

### A Overview

DAFP has developed procedure for electronically submitting requests for equitable relief or applications of the finality rule. Where this handbook provides that a matter or issue be sent to DAFP or any of the respective divisions of DAFP, including CEPD, PECD, or PSD, State Offices will submit the file according to this paragraph.

### B Electronically Submitting Requests

**All** requests for equitable relief or finality seeking written decision, approval, or concurrence by DAFP, CEPD, PECD, or PSD must be submitted by internal FSA e-mail from State \*--Offices to **RA.FSA.DCWA2.DAFP**, according to the format in subparagraph C.--\*

Requests submitted according to this paragraph **must** be sent to DAFP by e-mail with an encrypted PDF attachment. Include a point of contact in the text of the e-mail, but nothing else of substance. Encrypt the attachment with the password that DAFP will provide to the field under separate cover. Call DAFP at 202-720-8513 if there are questions about the password.

### C Format for Requests, Subject Line of E-Mails, and Required Attachments

The e-mail subject line **must** be formatted as follows:

- State abbreviation (for example, “AZ” for Arizona)
- responding division (for example, “PECD”)
- type of action requested, as follows:
  - “FN” for finality rule
  - “MM” for misaction/misinformation
  - “FFC” for failure to fully comply
  - “PR” for programmatic relief
  - “OTH” for combinations of equitable relief or finality
- participant’s name
- date of request (for example, “01-10-2013” for January 10, 2013).

**Example:** “AZ/PECD/FFC/JohnDoe/01-10-2013”