



# Appeals

The conservation provisions of the Food Security Act of 1985 place responsibility on U.S. Department of Agriculture (USDA) agencies for making determinations which may have significant economic impact on farm operations. These determinations are made as accurately as possible. However, there will be situations when persons believe the rules have not been properly applied in their case resulting in the denial of a USDA program benefit.

Each agency - the Agricultural Stabilization and Conservation Service (ASCS), Farmers Home Administration (FmHA), Federal Crop Insurance Corporation (FCIC), and Natural Resources Conservation Service (NRCS) - has an appeals procedure for the purpose of allowing producers to furnish evidence to support their claims that the rules have not been properly applied.

<b>Items Appealed To ASCS</b>	<p><b>ASCS is responsible for determining:</b></p> <ul style="list-style-type: none"> <li>• whether a person is a producer on a field;</li> <li>• establishment of field boundaries;</li> <li>• whether land was planted to an agricultural commodity any of the years 1981 through 1985;</li> <li>• whether land was set aside, diverted, or otherwise not cultivated under a program administered by the Secretary of Agriculture;</li> <li>• whether the production of an agricultural commodity on highly erodible land or converted wetland by a tenant is required under terms and conditions of the agreement between the landlord and tenant;</li> <li>• whether the agricultural commodity planted on a field was planted before December 23, 1985, or during any crop year which began before December 23, 1985; and</li> <li>• whether the conversion of a particular wetland was commenced before December 23, 1985, or converted since December 23, 1985 by a third party.</li> </ul>				
<b>Items Appealed</b>	<p><b>FmHA</b> is responsible for determining whether the proceeds of any loan made, insured, or guaranteed under any provision of law administered by FmHA will be used for a purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetland.</p>				
<b>Items Appealed To FCIC</b>	<p><b>FCIC</b> is responsible for determining if insured producers or those applying for crop insurance are in compliance with the Food Security Act of 1985.</p>				
<b>Items Appealed To NRCS</b>	<p><b>NRCS</b> is responsible for appeals regarding:</p> <p>A. Highly erodible land determinations:</p> <ul style="list-style-type: none"> <li>• determination of the land capability classification of a field or a portion of a field;</li> <li>• determination of the predicted average annual rate of erosion for a field or a portion of a field;</li> <li>• determination of the potential average annual rate of erosion for a field or a portion of a field;</li> <li>• determination by a conservation district, or by a designated conservationist in those areas where no conservation district exists, that a conservation system or a conservation plan should not be approved.</li> </ul> <p>B. Wetland determinations:</p> <ul style="list-style-type: none"> <li>• determination that certain land is a "wetland" as defined by the act;</li> <li>• determination that certain land is a "converted wetland" as defined by the act;</li> <li>• determination of whether the conversion of wetland for the production of an agricultural commodity on such converted wetland will have minimal effect on the hydrological and biological aspects of wetland.</li> <li>• determination of whether wetlands are exempted as a result of being prior converted, artificial, or irrigation-induced wetlands, or wetlands farmed under natural conditions.</li> </ul> <p>C. Whether NRCS followed its policies and procedures.</p>				
<b>How to Appeal</b>	<p>You should request reconsideration by the person or committee of the agency making the initial determination within 15 days (30 days for FmHA) of the mailing of the determination.</p> <p>Appeals of adverse decisions may be made to the next level of appeal within 15 days (30 for FmHA) of the mailing of the decision. Decisions by the highest listed authority in each agency are final and there are no further administrative appeal rights. The succession of levels for appeal following reconsideration by the person or committee making the initial determination are:</p> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top;"> <p><b>For ASCS:</b></p> <p>1st - County ASC Committee 2nd - State ASC Committee 3rd - Deputy Administrator for State and County Operations</p> </td> <td style="vertical-align: top;"> <p><b>For FmHA:</b></p> <p>1st - County Supervisor 2nd - District Director 3rd - State Director 4th - Administrator</p> </td> </tr> <tr> <td style="vertical-align: top;"> <p><b>For FCIC:*</b></p> <p>1st - Field Operations 2nd - Kansas City Appeals Board: Claims Division 3rd - Assistant Manager, FCIC Washington, D.C.</p> </td> <td style="vertical-align: top;"> <p><b>For NRCS:</b></p> <p>1st - District Conservationist 2nd - Area Conservationist 3rd - State Conservationist 4th - Deputy Chief for Programs</p> </td> </tr> </table>	<p><b>For ASCS:</b></p> <p>1st - County ASC Committee 2nd - State ASC Committee 3rd - Deputy Administrator for State and County Operations</p>	<p><b>For FmHA:</b></p> <p>1st - County Supervisor 2nd - District Director 3rd - State Director 4th - Administrator</p>	<p><b>For FCIC:*</b></p> <p>1st - Field Operations 2nd - Kansas City Appeals Board: Claims Division 3rd - Assistant Manager, FCIC Washington, D.C.</p>	<p><b>For NRCS:</b></p> <p>1st - District Conservationist 2nd - Area Conservationist 3rd - State Conservationist 4th - Deputy Chief for Programs</p>
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*\*Companies reinsured by FCIC will utilize their own appeal process.*

This sheet provides general information on the appeals procedure of the Food Security Act of 1985. Published rules and regulations are available at local USDA offices.

*All USDA programs and services are available without regard to race, color, national origin, religion, sex, age, marital status, or handicap.*